

National Consultation Conference on **Legal Empowerment** of the Poor



Venue: Kilimanjaro Hotel Kempinski

Date: 29 - 30 November, 2006

COMMISSION ON LEGAL EMPOWERMENT OF THE POOR

Proceedings of the National Consultation Process: Conference on Legal Empowerment of the Poor

**The views expressed in this paper are those of the author and
do not necessarily reflect the views of
the Commission on Legal Empowerment of the Poor**

VOLUME I

**29th 30th November 2006
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List of Acronyms and Abbreviations

ADR	Alternative Dispute Resolution
BRELA	Business Registration and Licensing Agency
BEST	Business Environment Strengthening Program for Tanzania
CBO	Community-based Organization
CLEP	Commission on Legal Empowerment of the Poor
DANIDA	Danish International Development Agency
FINCA	Foundation International for Community Assistance
ILO	International Labour Organisation
IFAD	International Fund for Agricultural Development
JICA	Japanese International Cooperation Agency
NMB	National Microfinance Bank
NGO	Non-Governmental Organization
PBFP	Property and Business Formalization Programme whose <i>Kiswahili</i> acronym is MKURABITA
PC	Primary Court
PCB	Prevention of Corruption Bureau
PRIDE	Promotion of Rural Initiatives and Development Enterprises
SME	Small and Medium Enterprises
SACCOS	Savings and Credit Cooperatives Society
TAWLAT	Tanzania Women's Land Access Trust
TBS	Tanzania Bureau of Standards
TFDA	Tanzania Foods and Drugs Authority
TRA	Tanzania Revenue Authority
UMASIDA	Umoja wa Matibabu wa Sekta Isiyo Rasmi
USAID	United States Agency for International Development
VIBINDO	Jumuiya za wenye Viwanda na Biashara Ndogondogo
WV	World Vision
WAT	Women Advancement Trust
WT	Ward Tribunal

1. INTRODUCTION

The Commission for Legal Empowerment of the Poor (CLEP) which seeks to generate new policy recommendations that will contribute to poverty reduction through secure, enforceable property and labour rights, enabling environment for legal business and expansion and access to justice and rule of law has set in motion national consultation processes as one of the ways of learning and anchoring its recommendations on national realities.

The consultations processes in Tanzania entailed a series of activities which culminated in a two days conference attended by about a hundred participants. Concomitant with the conference, Hon. M. K. Albright and His Excellency Benjamin W. Mkapa made a site visit to Hanna Nasif a squatter settlement being upgraded as part of the formalization program. The proceedings of this process particularly the discussions on the key issues on property rights, labour rights, access to justice and entrepreneurship are described in two volumes cited below.

(i) **Volume 1:** With 65 pages contains:-

- | | | |
|-------------------|---|---|
| PART ONE | - | Executive Summary |
| PART TWO | - | Conference objectives, presentation, discussions and closing remarks. |
| PART THREE | - | Activities concomitant with the conference program |
| PART FOUR | | |
| Annex I | - | Conference Program |
| Annex II | - | Conference Participants |
| Annex III | - | Summary of Evaluation |

(ii) **Volume II:** With pages contains:-

- a. Copies of the speeches delivered during the opening and closing sessions by:
 - H. E. Jakaya Mrisho Kikwete – President of the United Republic of Tanzania.
 - H. E. Dr. Benjamin William Mkapa - Former President of Tanzania and Member of the Commission on Legal Empowerment of the Poor (CLEP)

- Hon. Dr. Madeline K. Albright – Former Secretary of State of the USA and Co-chair of the Commission
- Hon. Idd Simba – Former Minister of Industry and Trade in Tanzania, Chairperson of Session I and II of the Conference.
- Hon. Anna S. Makinda – Deputy Speaker of Tanzanian Parliament and Chairperson of MKURABITA Steering Committee
- Hon. Dr. Oscar F. Taranco – UNDP Representative and Country Coordinator of UN Organizations

b. The Four thematic papers namely

- Property Rights
- Entrepreneurship / Expanded Opportunities for Legally Establishing and Operating a Business
- Labour Rights
- Access to Justice and Rule of Law

c. Terms of Reference for Rapotours and names

PART ONE EXECUTIVE SUMMARY

1. Synopsis of the National Consultation Process and Background

A National Consultative Conference was hosted by the office of His Excellency Benjamin W. Mkapa the former President of Tanzania and organized by the Property and Business Formalization Programme for Tanzania whose *Kiswahili* acronym is MKURABITA on behalf of the Commission on the Legal Empowerment of the Poor. Overall, the conference objective was to seek and generate new policy recommendations that will reduce poverty through secure, enforceable property and labour rights within an enabling environment that seeks to expand legal business opportunity and access to justice.

The consultation process was designed in such a way that the policy recommendations are based on research findings grounded in local experience. The Conference was held on 29th – 30th November 2006 at Kilimanjaro Hotel Kempinski drawing participants from rich and a wide range of backgrounds.

The process started by identification of resource persons and thereafter requesting them to prepare thematic papers guided by specific terms of reference, but relevant to the legal empowerment of the poor namely; Access to Justice and Rule of Law, Property Rights, Labour Rights and Entrepreneurship. In fact, these were informative and ground-breaking papers anchored on selected concepts and lessons of experience from the real world situation. The draft papers were presented in focus group discussions that took place on 7/11 and 8/11/2006. Participants of the focus group discussions were drawn from the civil society, members of the academia, Government Ministries and departments, and private sector. Authors used results from the focus group discussions to improve quality of their papers.

During the conference, these papers were presented by the resource persons with a view to shedding knowledge and stimulating discourse among participants. Since the conference was graced by the attendance of highly placed dignitaries, presentation of these papers was preceded by a series of opening speeches, key notes and remarks. The welcoming remarks were given by Mr. Iddi Simba the session Chairperson. H.E. Benjamin W. Mkapa Commissioner of CLEP and former President of the United Republic of Tanzania gave a speech on the objectives of the conference. Hon Dr. Madeleine Albright, Co-Chair of the commission presented a speech on the work of the commission. His Excellency Jakaya Mrisho Kikwete President of the United Republic of Tanzania who was the Chief Guest, gave his speech to open the conference. These preliminaries proved useful in enlightening the conference participants on the obtaining situation with

regards to legal empowerment of the poor and set the tone of the consultation process.

Thereafter, the participants formed Working Groups based on area of interest and competence in order to share experiences on the basis of thematic areas and specifically respond to the guiding questions designed for each group. The presentation of Group Works was followed by plenary sessions that further enriched the conference outcome. Furthermore, the findings from a Group of NGOs that researched on the needs of the poor in Tanzania were made available to each participant.

2. Emerging Relationship between Legal Empowerment and Poverty Reduction

It was evident from the knowledge generated by the conference that there is a relationship between legal empowerment and poverty reduction. For the purpose of making these relationships more visible, a Matrix is used (Matrix 1).

Matrix 1: Emerging Relationship between Legal Empowerment and Poverty Reduction

S/ No.	Emerging Attribute of Legal Empowerment	Specific Impact/Bearing on Poverty Reduction
<i>A. Access to Justice and Rule of Law</i>		
1	Improved access to Ward Tribunals and Primary Courts	Cost saving (as hired legal experts are, in most cases, not required at this level), hence, improved financial status leading to reduced poverty income
2	More disputes settled amicably after integrating formal and informal systems of resolving disputes	Decline in number of cases pursued through legal system, virtually negligible costs incurred and time is saved for alternative use in socio-economic activities.
3	Strengthened tribunals on land, labour, tax, commerce, and more specialized tribunals established	Expedited hearing of cases, reduced time and money spent on cases, hence, money and time optimally used to increase production, revenue and reduce poverty.
<i>B. Property Rights</i>		
1	Improved customary ownership of property	Informal contracts recognized, enforced and subsequently increased business credibility and productivity leading to poverty reduction.
2	Established cost-effective and efficient mechanisms on land management and especially delivery and housing for low income households	Massive access to land for the poor and massive formalization of property leading to more people seizing opportunities of modern economy where more profit is expected.
3	Incentives to formalization	Same as above
<i>C. Labour Laws</i>		
1	Effectively enforced Labour Laws	<ul style="list-style-type: none"> • Employees rights protected and working conditions improved including realization of prescribed minimum wage. • Tax exemption is also provided for new and small businesses to grow and reduce poverty.

2	Standards are designed, approved and enforced for the informal sector	Informal sector operates competitively and is able to penetrate a wider market for the goods and services provided leading to profit maximization and subsequently poverty reduction.
<i>D. Entrepreneurship</i>		
1	Local governments designate, service and allocate business premises for clustered but identical businesses to operate	Increased permanent business location leading to credit-worthiness, realization of scale economies and expanded businesses, profit maximization and poverty reduction.
2	Reduced bureaucracy, recognition and registration of small scale businesses	Increased credibility, trust and credit-worthiness and potentially providing access to business loans that if properly used could reduce poverty.
3	Increased awareness on policy and legal provisions among the poor	Increased clarity on rights and obligations leading to ability to defend their rights, improved social warfare as they will abide to regulations and rules.
4	Entrepreneurial skills imparted to small business operators	Improved creativity and innovations in business operations leading to calculated risks and profit-making businesses. Thus, poverty reduction.

3.0 Key Issues

The conference generated dozens of issues pertinent to legal empowerment of the poor and poverty reduction. Since there was no technical ranking during the conference, the key emerging issues were identified on the basis of the impact they have in shaping the living conditions of the poor and marginalized persons. Four key issues were, therefore, identified:

- (i) Lack of capacity of the judicial system especially Ward Tribunals and Primary Courts, the levels which are most accessible to the poor and marginalized;
- (ii) Complex, corrupt and costly procedures and processes to formally access property rights;
- (iii) Labour laws that are not enforceable to the poor largely because most poor do not have formal contracts with their employers; and
- (iv) Dearth of entrepreneurial skills.

3.1 Incapacitated Judicial System Especially Ward Tribunals and Primary Courts

Experience shows that accessing judicial services is too bureaucratic, costly, excessively time consuming and complex for the poor to afford. It is difficult to access justice because the legal facilities are scarce, lawyers are few, and the available few courts are flooded with cases and besides the majority of the poor cannot afford fees charged by legal experts. Tanzania has a six-level judiciary combining the jurisdictions of tribal (customary), Islamic, and British common law. Christians are governed by customary or statutory law in both civil and

criminal matters while Muslims may apply either customary law or Islamic law in civil matters. The formal system of dispute resolution begins with Ward Tribunals with appeals going to the Primary Courts and the District Courts, Resident Magistrate Courts, to the High Courts, and Court of Appeals. A special focus is, therefore, made to the first two facilities of judicial system because at the grassroots level, and particularly for the majority poor, Ward Tribunals (WT) and Primary Courts (PC) are more accessible.

Main barriers

With reference to WT and PC, the key **barriers** to change include:

- Shortage of human and material resources for both WT and PC,
- Both, WT and PC are not established within reasonably accessible geographical locations,
- The sheer number of cases received by PCs with the relatively few magistrates to handle them,
- Corruption,
- WT are not optimally used because they tend to assume the role of issuing compulsive orders instead of the role of a mediator, and
- On land-related conflicts, the barrier is largely due to ministerial structures that are fragmented.

Drivers/incentives

The **drivers/incentives** for change include:

- Affordable costs to access justice for the majority poor,
- In the WTs, the outcome is reconciliation between the conflicting parties and not the winner and the loser,
- Possibility of incorporating the poors' informal ways of accessing justice in the formal legal system instead of imposing "our" formal ways that tends to ignore their way of life and reasoning with respect to legal services issues.

Main strategies to bring changes

The necessary changes can be brought about through a number of **strategies**.

The major ones include:

- Change of the mindset of the public to see court's duty as civil arbiter rather than as a mediator,
- Encouraging the use of alternative system of resolving conflicts in society,
- WTs playing the role of a mediator,
- The specialized tribunals on, for instance, land, tax, labour, commercial, etc. have proved quite advantageous in disputes settlement and there is a need for the establishment of more of this kind of legislative system,
- Harmonizing or/and integrating formal and quasi-formal legal systems of accessing justice,
- On land-related conflicts, ministerial structures ought to be harmonized, and

- Provision of public education in the reform process so that people are made aware of how the law system operates and understand the rationale behind many forums with differing procedures depending on the type of the dispute.

Crucial institutions and partnerships to be forged

The most crucial **institutions** are Ministry of Justice, Ministry of Lands and Human Settlements Development, Ministry of Trade, Ministry of Women and Children, Prevention of Corruption Bureau (PCB), NGOs e.g. Association of Small-scale industries and Businesses in *Kiswahili* VIBINDO, Civil Society Organisations e.g. Tanzania Women Land Access Trust (TAWLAT) and the Media. **Partnership** between the Government legal organs and the Civil Society Organisations is also crucial.

3.2 Complex, Corrupt and Costly Procedures and Processes to Formally Access Property Rights

Property rights play a major role in improving the investment climate, access to credit markets and revenue for the government. In addition, property rights offer safety nets, enhance, improve transaction in land markets and act as an incentive to addressing environmental problems. However, these benefits have not been apparent to the poor and marginalized largely because of a number of barriers.

Main barriers

The main **barriers** for the property rights not to work for the poor and marginalized in Tanzania are diverse. The major ones include:

- Land as a collateral for credit to the poor is risky because it poses a risk of rendering them landless and becoming even poorer;
- Lack of inclusive and enabling system of property rights that have a bearing to the interests of the poor and marginalized such as pro-poor land development schemes;
- Highly centralized, opaque, bureaucratic and complex system of land administration,
- Too costly land survey procedures for the majority poor,
- Lack of awareness of the poor on their rights and obligations, and
- Patriarchy attitude in many societies with respect to women and children rights to property including business.

Main strategies to bring about changes/reforms

Reforms can be brought about through the following main **strategies**:

- Adopt and improve customary processes with respect to ownership, regulation and dispute resolution since formalization may lead to loss instead of legal empowerment as mere titling of property, for instance land, makes it highly fungible and valuable,

- Establish cost-effective and efficient mechanisms of land management especially delivery and housing for low income households; including information and documentation systems (Registries)
- Fast-track on-going reforms such as Residential Licensing, Pilot Village Land Certification, Establishment of Land and Ward Tribunals; and Property and Business Formalisation.
- Decentralising, streamlining and simplifying administrative and judicial processes on property registration including to mandate local authorities to issue titles,
- Strengthening partner institutions including establishment of village land offices,
- Giving investment incentives to formalized properties and providing public education,
- Creating rules that cater for both individual and collective ownership of property,
- Harmonization and clustering of organizations dealing with property Rights
- Procuring, installing and training simple modern technology of land demarcation and issuance of village land certificates, and
- Establishing village reconciliation committees or organs to address inter and intra family property ownership disputes.

Crucial institutions and strategic partnerships to be forged

In the process, the following **institutions** area crucial:

Village and *Mtaa* Governments, Ministry of Lands and Human Settlements Development, Ministry of Justice, Ministry of Planning and Economy and Empowerment, MKURABITA, CBOs and NGOs e.g. Women Advancement Trust (WAT); and Research and Academic Institutions of Higher Learning.

Partnership with international organizations especially the World Bank and European Union, to mention a few, is to be forged.

3.3 Labour Laws that are not Adequately Enforced in Favour of the Poor

Labour laws have a bearing in legal empowerment of the poor because if adequately enforced, they can contribute to realization of decent work agenda objectives to informal sector workers. The Conference revealed that the existing legal recognition and frameworks already provide for a fairly good support and fertile ground in achieving the objectives of decent work agenda, to some extent, even to the informal sector. However the objectives of the decent work agenda in the informal sector of Tanzania are far reaching.

Main barriers

The main **barriers** for the lack or ineffective law enforcement, for instance, inability to enforce prescribed minimum wage include:

- A biased approach of law enforcement which excludes employees' rights,

- Costly legal set up inhibiting employers from declaring their employees,
- Reforms that do not take into account social cultural issues including gender especially women and children.
- A very narrow definition of reforms which is largely limited to recognition and registration ignoring harmonization of various laws,
- Widespread unemployment creating freedom for the employers to abuse them,
- Limited representation of informal sector, and
- Lack of public awareness on what the formal labour laws provide for them, rights and obligations.

Main strategies to bring about changes/reforms

- Ensure inclusive approach in labour law enforcement in order to accommodate the needs of the poor, and
- Reforms should encompass harmonization of various laws,
- Recognize and register businesses and property,
- Enhancing contacts and networks among the poor, and
- Formulation of specific legal framework of particular standards for the informal sector to grow.
- Public awareness campaigns and translations of labour laws from English to *Kiswahili* for effective communication.

Crucial institutions and strategic partnerships to be forged

For the changes to take place, the leading role of the Ministry of Labour and Youth is critical. Other **institutions** include NGOs, CBOs such as a Micro-insurance project in Dar es Salaam in *Kiswahili*, UMASIDA and VIBINDO, Micro-finance institutions such as Foundation for International Community Assistance FINCA and the Promotion of Rural Initiatives and Development Enterprises (PRIDE). Strategic **partnership** can be forged between the Government of Tanzania, the ILO and NGOs dealing with Human Rights.

3.4 Lack of Entrepreneurial Skills

The Conference revealed and discussed a wide range of under-exploited opportunities by the poor and marginalized. With all those potentials to be harnessed and government commitment to eradicate poverty, one becomes curious to understand why these opportunities have not been adequately seized by the poor and marginalized.

Main barriers

A large number of barriers were established, specifically:

- Limited formal knowledge and capacities of the operators with respect to exposure, value, attitude, knowledge and skills on business management,
- Education system that doesn't embrace entrepreneurial attitudes,

- Limited access to financial support and as most financial institutions do not understand the culture of small firms,
- Homelessness of micro firms as they operate from temporary, illegal sites or premises including lack of street names
- Low credibility of the business including low level of trusts in the society, Bureaucracy in business licensing and registration,
- Limited capacity of local authorities to support small business,
- The spirit of reforms that have not yet been fully embraced at the local government level. In Zanzibar, there is lack of specialized SME development institutions and active engagement of training institutions on business entrepreneurship.
- Limited awareness and hence, ownership of national policies, laws and regulations and strategies with a bearing on SMEs and failure to translate them into actions.

Main strategies to bring about changes/reforms

- Providing education and specifically building appropriate curricula to address issues pertaining the poor and marginalized,
- Fast-tracking participatory review and operationalization of existing policies and programmes such as MKURABITA and Business Environment Strengthening Program for Tanzania (BEST) and those which favour the empowerment of the poor and marginalized,
- Introduction of agricultural incubator and specialized institution in Zanzibar to deal with SMEs,
- Ensuring that local governments designate and service special areas where related types of small businesses could operate from,
- Creating public awareness on the relevant policies, regulations and strategies on SMEs including making Tanzania Revenue Authority (TRA), Tanzania Bureau of Standards (TBS), Tanzania Food and Drug Authority (TFDA), Business Registration and Licensing Agency (BRELA) and other regulatory organizations communicate the procedures and costs to the grassroots level.

Crucial institutions and strategic partnerships to be forged

The Government especially the relevant Ministries, Regulatory organizations such as TBS and BRELA, Commercial Banks especially CRDB Bank Ltd and National Microfinance Bank (NMB), research institutions and universities, NGOs such as World Vision and Civil Society Organizations such as Tanzania Gatsby Trust and Savings and Credit Cooperative Societies (SACCOS) are crucial **institutions** to inspire and spearhead reforms. Government **partnership** should be forged with International Organizations that have shown interests on the ground such as DANIDA, IFAD, JICA, USAID and ILO. At the very grassroots level, similar partnerships could be forged with the private sector and micro-finance institutions between individuals, groups and local governments.

4. Cross-cutting Issues

Apparently, six issues emerged strongly across the four thematic areas. These are public awareness, bureaucracy, costs, risks, education and dissemination of information. The initiative, therefore, by the Commission on Legal Empowerment of the Poor (CLEP), to address any of the four key issues has to take cognizance of these concerns.

5. Conclusion

The conference has proved that with high determination from the poor and marginalized, support from the public and private sectors and above all, political commitment which is already repeatedly assured from the Government, the poor can be empowered and reduce their poverty significantly.

PART TWO CONFERENCE OBJECTIVES, PRESENTATIONS AND CLOSING REMARKS

1.1 Objective of the National Consultation Conference

The National Consultation Conference was held in Tanzania on 29th-30th November 2006 as an effort by the Commission on Legal Empowerment of the Poor to seek and generate new policy recommendations that will reduce poverty through secure, enforceable property and labour rights. The policy recommendations were developed within an enabling environment that seeks to expand legal business opportunity and access to justice.

In order to ensure that research findings and policy recommendations are grounded in local experience, and in order to build national and regional ownership of the legal empowerment agenda, a series of Regional Consultations were planned for different regions, Tanzania being one of the countries in the East Africa region. Other countries included Ethiopia, Uganda and Kenya.

Specifically, the objectives of the conference were: -

- To build awareness of the legal empowerment agenda, as developed by the Commission, in the region;
- To capture the particular knowledge and experiences of the region in the technical areas of the Commission's Working Groups namely access to justice and rule of law, property rights, labor rights, and expanding opportunities for legal business organization;
- To provide an opportunity to seek regional consensus on legal empowerment;
- To identify knowledge gaps and bureaucratic barriers to legal empowerment, as well as build a solid constituency of support and strong ownership of the Commission's agenda in the region ("Reaching the Majority");
- To set the stage for a national platform for action (early implementation in select countries);
- To broaden the network of policy makers, technical experts and representatives of civil society organizations contributing to the work of the Commission

2.0 The Opening Speeches

Several speeches were made by distinguished guests including the opening of the conference speech by the Chief Guest, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania. Other speeches were made by:

- Hon. Iddi Simba-Welcoming Remarks
- H.E. Dr. Benjamin W. Mkapa-Outline of conference objectives
- Hon. Dr. Madeleine Albright-Remarks from the Co-Chair of CLEP
- Hon. Anne Makinda-Vote of thanks

In the following sections a summary of opening speeches depicting key points as presented by respective speakers is provided:

2.1 Welcoming Remarks by Hon. Iddi Simba – Conference Chairperson

In his address Hon. Iddi Simba reiterated the objective of the conference as an attempt to seek and generate new policy recommendations that will reduce poverty through secure, enforceable property and labour rights, within an enabling environment that expands legal business opportunity and access to justice.

He urged participants to bear in mind that their participation is a great opportunity for them to be entrusted by fellow Tanzanians to deliberate on issues that have a bearing on them and for the benefit of the nation. He further recognized the participants as a group of main stakeholders, selected individuals from various institutions; target groups (informal sector), civil society organizations, academic and research institutions, government at all levels, Development Partners and members of the Commission. He further guided the participants through the program which was divided into two sections.

He concluded by urging participants to be effectively involved in the conference, listening carefully to the speeches and presentations, participating in the group discussions and more specifically to freely air their views and opinions on several matters and issues discussed in the conference.

2. 2. Outline of Conference Objectives by H. E. Dr. Benjamin W. Mkapa – Former President of Tanzania

In his speech H.E. Dr. Benjamin W. Mkapa recalled how issues of legal empowerment of the poor were first discussed as recommendation towards realization of a fair globalization by the World Commission on the Social Dimension of Globalization between 2002 and 2003. By that time H. E. Dr. Benjamin Mkapa served as Co-Chair with President Tarja Hallonen of Finland in that commission.

He said Studies revealed that in most developing countries there is a large informal economy where economic activity lacks recognition and protection under formal legal or regulatory frameworks. Furthermore, the informal economy typically consists of small-scale manufacturing, services or vending in urban areas, domestic work or agricultural work on small plots of land. In many of the lowest-income countries it accounts for the large majority of workers, and that there is a high proportion of women workers. This was seen as a major governance issue and the commission concluded that:

“First, the lack of legal right and protection lead to vulnerability and inequality undermining many of the principles of (good) governance. Secondly, there is lack of access to markets and services, so that potential for growth and development is unrealized. Thirdly, there is a failure to build a fair and participative economy, for the rules of the game in effect are not the same for all. The goal must be to make these informal activities part of a growing formal sector that provides decent jobs, incomes and legal protection (as) an essential attribute of national strategy to reduce poverty”.

He further said that when the proposal was mooted to set up the Commission for the Legal Empowerment of the Poor, and he was invited to join the panel, he agreed readily. Firstly, because he was aware of an on-going program in Tanzania to fight poverty through the legal inclusion and protection of the poor in modernizing the economy (MKURABITA); but secondly because he believed the work of the Commission would give greater momentum to the global effort to upgrade the legal status of economic activities of the poor, mostly women and youth, in developing countries.

He underscored the need for participants to be as open and deep as possible, so that such analysis and recommendations will be truly uninhibited. He said results of the workshop would enrich the foundation of reforms to the informal sector of Tanzania’s economy and be a valuable input into the work of the Commission.

2.3 Remarks from the Co-Chair Hon. Dr. Madeleine Albright

In her address Dr. Madeleine Albright started by affirming the commission’s position that they did not arrive in Africa with answers but rather with questions. The questions hinge on ideas about how best to reduce poverty and build strong and sustainable economies. She informed participants that the Commission would be holding similar consultations in Kenya, Uganda and Ethiopia. So far the commission has had other conferences in Brazil, the Ukraine and Indonesia and is planning to have the same in Sri Lanka, Bangladesh, Mexico and Guatemala.

She told participants that the Commission is looking for solutions that are both local and global, for under-development is a problem that affects every continent, but in ways that are felt in communities and neighborhoods close to home.

She asserted that experience has shown that it is not enough to raise national income or increase national rates of economic growth, for even then, the majority of the population is often excluded. The commission is looking for inclusive ways to promote growth so that even those who have very little will be able to climb the ladder of opportunity.

She said that the Commission recognizes that many anti poverty strategies have been tried in the past. Programs that are producing good results should continue. The work of the commission is not to start over; but to do better.

She emphasized that the Commission was created to explore the idea that one way to fight poverty more effectively is to expand access to legal rights because today, the majority of the worlds poor live outside the protections of law: this makes them vulnerable and without a fair share of economic or political power.

She underlined that the fundamental question the Commission wants to explore, therefore, is how best to ensure that the poor are able to participate in the legal economy and to benefit from the protections of law? The Commission recognizes that the answer will not be the same in every country or culture.

She pointed out that the sharing of information and ideas is essential so that we learn from one another; that is why the Commission on Legal Empowerment is sponsoring the nation's consultation to ensure that local organizations, experts and government at all levels have a voice. She quoted H.E. Benjamin W. Mkapa as once said: "Too often we have failed to look at poverty with the eyes of the poor. We have not sought sufficiently to understand the obstacles to development from the insight of those (struggling to overcome)exclusion from the modern, formal, legal economy." The commission wants to explore options for expanding legal rights that are practical and that will be accepted by the local cultures.

The Commission believes that, when people have title to their land and homes, communities are more likely to be stable and secure. People who have a legal stake in their communities are more likely to have hope; and those who have hope are more likely to care about the future.

She concluded by saying that legal empowerment is a comprehensive term with many elements, some or all of which may be combined in any particular circumstance. These elements include the following;

- First, establishing secure right to land or other property,
- Second, expanding access to credit,
- Third, improving government services to create a better environment for economic activity by the poor,
- Fourth, ending corruption so that the legal rights of everyone are more likely to be protected and

- Firth, fostering greater participation in democracy.

She observed that these elements are consistent with the idea that strong economies do not come from the ripples created by the rich, nor from handouts provided by government; a healthy economy is like a house – it must be built from the ground upwards. A strong economy comes when the energy and initiative of the majority is rewarded by the opportunity to profit from efforts made.

Quoting Nelson Mandela, former President of South Africa, she said;“In the history of nations, generations have made their mark through their skill in appreciating critical turning points and, with determination and creativity, seizing the moment. A new and better life will be achieved only if we shed the temptation to proceed casually along the road—only if we take the opportunities that beckon.”

Citing the apparent divides between the rich and the poor, Hon. Albright argued that the world has grown more and more aware of the fact that it cannot prosper if it is too sharply divided between rich and poor and between those who are protected by privilege and those who lack any legal recognition at all. As President Mandela suggests, we have reached a critical turning point in which one sort of vision – that set out in UN’s Millennium Goals – competes with another – the temptation to proceed casually along the road.

The commission on Legal Empowerment of the poor is determined to seize the opportunities that beckon.

2.4 Opening Speech by the Chief Guest H. E. Jakaya M. Kikwete - President of the United Republic of Tanzania

In his opening speech the President said he believes that there could be nothing nobler in the fight against poverty than the legal empowerment of the poor. He congratulated those who conceived the idea of the Commission and choosing a very competent team. The President said that although Tanzania is twenty years deep into social, political and economic reforms, the work of the Commission can still inspire deliberate, concerted, focused and coordinated legal, policy and institutional reforms to empower the poor in Tanzania. He said that he warmly welcomes this initiative.

The President said he hopes that consultations will ground the work of Legal Empowerment in local realities, and contribute to recommendations that reflect diverse cultural, social-economic and political environments.

The President gave a background to the reform processes in Tanzania by saying that colonial Tanzania was characterized by two distinct socio-economic systems:

a large informal sector dominated by and largely catering for the native population and small formal sector controlled by government and foreigners. He said even after the promulgation of the Arusha Declaration in 1967, the country's economy largely remained in the two blocks whereby the formal sector was controlled largely by the government and state enterprises while the informal sector continued to be dominated by the small native entrepreneurs and peasants.

The change in the national socio-economic development paradigm that was made in 1986 and followed by a series of structural changes and deep sectoral reforms particularly in the 1990 – 2000 decade clearly defined the persistent division between the small formal sector and large informal sector. The formal economy was clearly growing and improving along the internationally acceptable market economy parameters while the informal sector was largely lagging behind on account of its stakeholders' inability to cope with the untenable legal and institutional environment.

Recognizing this unsustainable economic and undesirable socio-political development, the government initiated a series of measures for empowerment of the majority of the citizens to participate in the national socio-economic development processes.

Key among these is the National Strategy for Growth and Reduction of Poverty famously known as MKUKUTA, which was the natural outcome of the earlier efforts in structural adjustments and poverty eradication processes.

In implementing the aspirations of MKUKUTA, which is an indigenous vehicle for attainment of MDGs, an initiative called Property and Business Formalization Program (MKURABITA) was conceived. The idea was to enhance self-development of the majority of Tanzanians in the informal sector through the use of stakeholders' own property and business assets.

The President said that the mission of the Commission on Legal Empowerment of the Poor is coincidentally identical with the spirit and aspirations of the Formalization Programme. It is also in line with several other government initiatives that target the improvement of the legal framework governing business development, land management and access to justice for all.

The President affirmed that he has a personal interest in seeing to it that MKURABITA attains its objectives as soon as possible. He said that Tanzania has made a bold and firm decision to reform her development philosophy and pursue market economy. He therefore said that the pursuit of market economy entails absolute respect of and the legal-constitutional protection of property rights. He further said:

“Social scientists define property rights as a bundle of rights, entailing the control and use of property; benefit from the property; freedom of transfer or sales of property; and excluding others from the property. To make this bundle of rights relevant. They should be enforceable by law.

This will minimize disputes that arise during possession, transfer and disposal of property. So in essence, the building of a modern market economy and society entails promulgation of appropriate laws, a properly functioning and credible judiciary, and effective enforcement mechanisms.”

In line with the mission of the Commission, the President reiterated his belief that as long as the poor live outside recognized and enforceable laws, they will never know prosperity. More critically, the law has to work for the poor and most disadvantaged in our society.

In the reform experience, Tanzania has learned that there exists a strong link between secure property rights and land related investment. There is no question that clearly defined and accessible property rights create a better environment for investment that eventually open and facilitate access to credit and bank loans. Additionally, when access to justice and rule of law is good it creates a better business and investment environment.

In this important and topical agenda of empowering the poor for self development, the President urged development partners, NGO, members of civil society, academia and business community to join hands with the Government, in the resolve to empower the poor and reduce poverty.

In conclusion he thanked the government of Norway for their invaluable financial support in the formalization process and leadership in the legal empowerment agenda. He thanked the Institute for Liberty and Democracy, under the visionary leadership of Dr. Hernando De Soto, for a job very well done in diagnosis of informal or extra-legal economy in Tanzania. He finally said “Improved quality of life and social well being for each Tanzanian is possible. What is required is for each one of us to play his or her part properly”.

2.5 Vote of thanks by Hon. Anne Makinda, Deputy Speaker of Tanzanian Parliamentary and Chairperson of MKURABITA Steering Committee

Hon. Makinda started by thanking the President for his acceptance to come and officiate at the opening of the conference and for his speech which put the conference in the context of Tanzania's commitment and efforts for empowering people for self-development.

She thanked Hon. Dr. Madeleine Albright for her speech and thanked the Commission for finding it necessary to engage participants in direct consultations.

She then thanked President Mkapa; former President of the United Republic of Tanzania, for continuing to serve Tanzania even in his retirement stage. She informed the participants that MKURABITA which she referred to as Mr. Mkapa's brainchild, in about one and half year period, will present proposals to the Government on the formalization roadmap for property and business assets held in the informal sector. This roadmap will facilitate transformation of property and businesses into legally held assets, that can enable the owners to access opportunities in the formal markets.

Finally, she thanked The Institute of Liberty and Democracy (ILD) – led by Dr. Hernando de Soto – Co Chair of the Commission that plays a valuable role in the program.

3.0 SUMMARY OF PRESENTATIONS

3.1 Access to Justice and Rule of Law by Dr. Fauz Twaibu

As a concept, justice is a highly controversial subject and perhaps it is a term more easily recognizable than definable. Dr. Kenneth Kaunda (1971) sees it as perhaps the most important of all instruments of social order and without it the whole structure of society will inevitably break down. It is the means by which order within society is maintained and society itself preserved.

This paper anchors on a slightly different structure from one provided for the other three papers. The focus is largely on the analysis of dispute settlement, the court system, legal technicalities, legal representation, costs of legal services, alternative dispute resolution, delays and enforcement of court decrees and orders in Tanzania and how these impact on the poor. By implication, the paper makes reference to the possible strategies for redressing problems in Tanzania with respect to accessing justice. Other issues covered in the paper include citation of successful examples, driving force of changes, kind of partnership between key stakeholders and the role of the poor and marginalized existed.

With respect to legal empowerment of the poor, the 1977 Union Constitution of Tanzania lays down fundamental principles of civil justice which if well adhered to, should ensure justice in all situations and citizens, the poor inclusive. Article 107 A of the Constitution requires delivery of justice without regard to the litigants social and economic status, on a timely manner and without undue delay or technicalities. The article requires the courts to encourage amicable settlement and dispute resolution.

According to the author the process of dispute settlement involves four main stages namely; the recognition of the problem, the desire to take steps to solve the problem through means and procedures provided by the law, taking the steps and being able to solve the problem through those procedures. Since some conflicts in society cannot be resolved through private action, hence the necessity to involve public organs of dispute settlement. The British experience on how costs, delays and complexity of litigation could be reduced with the view of making the system just, fair, comprehensive, certain and reasonably expeditious was cited as a good example. Tanzania could cautiously adapt that system. Furthermore, the stakeholders are duty bound to assist the court to achieve the basic objectives. This is prudent, because the court process remains an important and crucial function of the legal system. Special reference should be made to the shortage of human and material resources, inadequate infrastructure and the gap between those who can conveniently afford to pursue

their rights through the legal system and those who find it extremely difficult to do so, especially the poor.

The court system is one of the areas that need reform in Tanzania because it's rather fragmented, bureaucratic and cumbersome. The formalities in the court system make the courts less accessible to the majority poor. The author is of the opinion that there is a need to change the mindset of seeing court's duty as civil arbiter, but rather as a mediator. One way of achieving this is by separating courts and magistrates dealing with criminal and civil matters. In addition, judges and magistrates ought to concentrate more on their judicial functions, for which they are professionally trained and experienced instead of handling both administrative and judicial functions. It is imperative to note that at the grassroots level, and particularly for the majority poor and marginalized, ward tribunals and primary courts are rather accessible. In fact, the Ward Tribunals are not optimally utilised as they tend to resume the role of issuing compulsive orders instead of the role of a mediator. The specialized tribunals on, for instance, land, tax, labour, commercial matters, etc. have proved quite advantageous in disputes settlement and there is a need for the establishment of more of this kind of legislative system. What is therefore required is the public participation and education in the reform process so that people are made aware of how the law system operates and understand the rationale behind many forums with differing procedures depending on the type of the dispute. On land-related conflicts, the shortcoming in dispute resolution are largely due to less harmonized ministerial structures. The structure involves three different ministries in which the village land council and the ward tribunals operate under the Ministry of Local Government; the District Land and Housing Tribunals under the Ministry of Lands and Human Settlement Development and the land division of the high court and the court of appeal are under the judiciary. Thus, the administration and accountability are doubtful due to fragmented nature of the structure.

3.2 Making Property Rights Work for the Poor in Tanzania

by
J.M. Lusugga Kironde

The objective of the paper was to elucidate the role of property rights with respect to legal empowerment of the poor in Tanzania and the way Tanzania could create an inclusive enabling system of rights, obligations and enforcements, and interests of the poor, and the marginalized. In addition, the paper was to analyze key challenges with respect to property rights in a prioritized manner; explaining the key actors and mechanisms to overcome the challenges. Furthermore, successful examples, their driving force, partnership among stakeholders and the role of the poor were to be expounded.

The author provided an introduction on Tanzania and key concepts of property rights that are further linked to the role of property rights in poverty alleviation, however, with a limited link to legal empowerment of the poor. These roles include improving the investment climate, access to credit markets and revenue for the government. In addition, property rights offer safety nets, enhance, improve transaction in land markets and act as an incentive to environmental problems.

An attempt was made by the author to articulate the way through which Tanzania could create an inclusive enabling system of property rights that have a bearing to the interests of the poor and marginalized. Since property rights and tenure issues are complex, and titling alone has proved to be inadequate, the author is of the opinion that adapting and expanding existing land administration systems that takes care of, among others, decentralization, transparency and accountability will significantly create an inclusive system of rights, obligations and enforcement coherent to the interests of the poor and marginalized.

In the same vein, land as a collateral to the poor is inadequate because it opens a window of risk and subsequently rendering them landless and becoming even poorer. The author, therefore, suggests an enabling system in which pro-poor land schemes could be designed. This strategy ought to be tied up to a cost-effective, possibly with improved technology in land formalization, and equally cardinal, are a streamlined process of titling and improved awareness of the poor on their rights and obligations.

Furthermore, the author advocates for an eviction rights, limitation of compulsory acquisition, enhanced rights of procession, fair compensation that goes hand in hand with resettlement of the displaced and a system that guarantees a greater security for all particularly women, children, pastoralists and migrants.

A similar opinion was formed for Zanzibar with a particular emphasis on reviewing most legislations, having a registrar of titles in place and formulation of housing policy to encourage private housing. The major challenges with respect to property rights were also identified to be the extent to which most properties are not formalized, poor property/land information system, poor transferability and institutional impediments particularly centralized land administration, lack of capacity at local levels and lack of land development finance. These challenges in access to land and increasingly recurrence of conflicts over land pose a big challenge ahead.

Apart from what the author articulated for an inclusive enabling system of rights, no further description was presented with respect to a prioritized way of addressing challenges, key actors and the mechanisms. However, a working group on "Property Rights" exhaustively filled in these gaps during a Consultative Conference (Section 4.2).

The paper discussed the on-going land reforms in Tanzania with a focus on the issues addressed. However, of paramount importance, was a citation of successful cases of change/reform with a bearing to empowerment of the poor. These include expansion of base for planned land- the 20,000 plots project in Dar es Salaam that is being replicated to other urban areas; Residential Licensing Project to unplanned areas in Dar es Salaam also with a possibility to extend lessons of experience to other urban areas; Pilot Village Land Certification in Mbozi District; Enhancement of Land Disputes Courts Act 2002 and the Land Tribunals at the Ward level since 2004.

The driving forces for these successful cases were cited. There is a need to promote equitable distribution of access to land by all citizens, recognition of rights in unplanned settlements, need to establish a cost-effective and efficient mechanisms of land management especially delivery and housing for low income households, need to resolve land disputes, need to ensure sustainable development of land-based resources, and need for good governance and compelling need to deal with national poverty and enabling the poor to seize opportunities and optimize benefits of a modern economy. However, the kind of partnership arrangement and the role of the poor and marginalized were in these cases, however, not directly discussed.

In conclusion, the Presenter underscores the importance of including all stakeholders in land delivery undertakings; streamlining institutionalised processes, procedures and standards; use of technology to improve land delivery, addressing all impediments to optimize the benefits from property rights and addressing the threats to property rights especially those surrounding the poor and marginalized.

3.3 Labour rights

by
Dr. C. Mtaki and Ms R. Teemba

The objective of this paper was to discuss the practicable strategy to achieve the decent work agenda objective in the informal sector in Tanzania with specific reference to envisaged direct support to both informal sector workers and workers' associations. In the discourse, specific barriers and special needs of women in the informal sector were to be equally addressed. In addition, the paper was to cite some successful examples of change or reform with a view to understanding the driving force behind those changes, a kind of partnership between key stakeholders and a particular roles played by the poor and marginalised in the process.

An attempt was made by the Presenters to formulate strategies to realise decent work agenda objectives in Tanzania. These include formulation of a responsive and more comprehended policy to encompass macro economic policies, urban regulations, labour policies, social protection measures, micro financing, infrastructure and property rights. With respect to policy making process, the Presenters underscore the value and importance of participation of stakeholders and gender sensitiveness. Likewise, a special emphasis is given to social security in which the author recommends three approaches to protect workers in the informal sector namely; extending the existing social security systems, working out alternative schemes specifically tailored to poor in informal sector and promoting micro-insurance schemes already under the operations by the NGOs and CBOs. Furthermore, adoption of better compensation rates will enhance achievement of decent work agenda objectives in the informal sector. It is worth pointing out that already, Tanzania's new legislation intends to protect the rights of the poor in a multiple ways especially statutory recognition of workers, enjoyment of core rights, freedom of association and collective bargaining, adherence to employment standards, presence of an effective dispute resolution machinery and restoration of the rights to strike. This Government initiative clearly manifests commitment and support in evolving practical strategies to achieve the decent work agenda in the informal sector.

Some specific strategies are already in place in Tanzania with regards to direct support to informal sector workers. A specific reference is made to Tanzania Labour Laws (Sect. 98-3), which recognizes any category of workers as employees *for the purpose of any labour law*, hence, equally covering workers in the informal sector. In the same vein, Section 61 of the LIA recognizes all workers as employees regardless of the form of contract and the same applies for Zanzibar.

Furthermore, the law provides for enjoyment of core rights such as prohibition of child labour, forced labour and discrimination; including employment standards

that take cognizance of employment standards built on the ILO conventions that address concerns of competing interests of social justice and economic efficiency. According to the author, these legal recognition and frameworks already provide a fairly good support and fertile ground in achieving the objectives of decent work agenda in the informal sector.

With regards to the support to workers associations, the authors underscore the importance of freedom of association and collective bargain because, to his opinion, this is a fundamental right, which embraces the right to form and join trade unions as well as employees' associations, protection of workers against victimization, the right to trade unions and offers an opportunity to promote collective bargaining. For both, workers and workers associations, the authors assert that the specific strategies envisaged for direct support should be tailored toward enforcement of the existing labour laws.

Specific barriers faced by women in the informal sector in Tanzania were identified and discussed by the task force team namely; limited coverage, inadequate benefits, fragmented and uncoordinated system, laws that are based on benefits not rights, conflicting legislations, non-contributory benefits, lack of liberalization and lack of guidelines for investments of social security funds. The authors didn't boldly and directly discuss on the special needs of women in the informal sector. However, these can be derived as women inclusive laws that address rights and not benefits of women in formulation and review of labour laws, established social security structure that is consistent with the ILO standards, and ensuring transparency and involvement of social partners, women inclusive in decision making. Other women needs include creation of decent work opportunities for women, poverty reduction and mitigated impact of HIV/Aids at work places.

Reference is made to the on-going Social Security Reform as well as a reform in the area of workers compensation in case of injury at work places as good examples of these changes/reforms. Besides, the Government of Tanzania and ILO initiated a Decent Work Programme in August 2006 with a focus on employment as a basis for empowerment of the poor; protection as a tenet for safeguarding income and guaranteeing access to health facilities; and participation as a window for involvement of poor workers and their associations in key policy debates.

A wide range of driving forces behind the on-going reforms were discussed. To mention a few, these include; aspirations to promote opportunities, secure workers' rights, protect informal workers, and build and recognize the voice of informal workers majority of them being poor. These motives are also supported by the deficits related with the informal sector characteristics; remuneration levels, social protection, working conditions, membership in trade unions and prevalence of HIV/Aids at work places. On the other hand, the driving forces could be related with capacity building of youth, extending support to

formalization of small informal business, imparting entrepreneurial skills to poor and career functioning. Overall, the driving forces for decent work agenda could be linked with aspirations for enhanced productivity and competitiveness in the informal sector by formalization and creating awareness to the core ILO standards.

The key partners include the Government of Tanzania and ILO and Pension Funds namely NSSF and PPF at the higher level of organization and funding. And the NGOs, SIDO, SMEs, CBOs such as UMASIDA and VIBINDO micro finance specifically the PRIDE, FINCA, workers associations, at the lower level of execution of the programmes. The paper doesn't clearly state the role of the poor and marginalized in the reform process. However, it is implied that they were being consulted in the legal reform process. Finally, the paper recommends a wide range of measures to be taken by stakeholders including creating awareness and publicity of the new labour legislations, promoting the dialogue within the public and private sector; strengthening the unionization of workers especially in the informal economy; revising the social security schemes to include the informal sector, revising low wages; making use of para-legals and empowering the Ministry responsible for labour to ensure compliance by all stakeholders to the new labour laws because what is largely lacking is inability to enforce the existing laws pertaining decent work agenda.

On the legal technicalities the paper recommends that the court must go deep into the "hall of justice" of formalities so that the court and lawyers will be provided with the necessary tool to reduce the effects of our common law system and adversarial procedure.

With regards to legal representation, the paper underlines that Tanzania with estimated population of over 35 million is faced with a unique and extremely small number of legal practitioners in commonwealth Africa. There are only about 500 advocates in full-time practice and about 70% are based in Dar es Salaam. More legal practitioners will mean a reduction in the costs of legal services and more equitable distribution and accessibility of the legal services to the majority poor. The Government Legal Aid service is limited to criminal cases and to criteria used to qualify the eligible ones for the service, it leaves the majority poor out of service. There is, therefore, a need to build the capacity of this Legal Aid Service.

One of the obstacles the majority poor face in their pursuit for justice is an exorbitant fee charged by lawyers. As hinted out above, this is largely a result of professional monopoly. It is imperative that deliberate efforts are made to increase the supply of legal services with the view to making these services affordable by the poor and marginalized. This implies that advocates should not be the only ones allowed to appear and represent parties in litigation especially in lower courts. A lower cadre but regulated of legal practitioners namely paraprofessionals or para legals, should be recognised.

For centuries, our forefathers have been encouraging the parties to reconcile and settle their disputes amicably. With this traditional mechanism, the end-result was none of them becoming the loser. In November 1994, the Chief Justice introduced a compulsory procedure which seeks for a pre-trial settlement immediately upon a suit being instituted in court with a view to advising the parties to settle their differences amicably in minor offences. To date, reconciliation is said to be able to solve about 90% of all cases handled. The need, therefore, to formalize what is currently informal so that the majority poor and marginalized could access/afford legal services and more successfully if the scope was expanded to encompass mediations and negotiations outside the court system. Simple rules regulating the process should be adopted.

The paper further discusses the cause of delays as being “us” and “not the rules”. Long adjournments, which were supposed to be the exception, some of which are made without justification. If the poor have to access this service, some improvements have to be made in this area including manpower and facilities.

A law that recognizes a right and yet offers no remedy to the victim is meaningless. With education and awareness campaign to the Public and simplified process in place it is likely to make legal services optimally accessed by the poor and marginalized. Besides, stay orders should be an exception rather than a general rule and law reform must be inclusive of the poor and marginalized as well because usually the people know what is best for them. Malawi offers a good example on the recognition/introduction of para-legals.

The paper recommends encouragement of Alternative Dispute Resolution (ADR) and recognition of the outcome of informal proceedings. In addition, it recommends separation of administrative from judicial functions and motivating judicial personnel including equipping them with prerequisite facilities. Furthermore, legal technicalities must be reduced, important laws translated into *Kiswahili* and evidential value of informal documentation of titles, properties and businesses enhanced.

3.4 Unleashing Entrepreneurial Potentials of the Poor in Tanzania: Prospects, Challenges and the Way Forward

**by
Dr. D. R. Olomi**

The paper focuses on existing entrepreneurial opportunities and potentials in the informal economy in Tanzania, the critical needs and barriers faced by the poor to realize the potentials, the practical and innovative measures required to address these barriers and hence unleash entrepreneurial potentials of the poor, and finally, recommends ways through which the poor can take part in reforms to empower them. The paper defines informal activity as an economic activity that takes place outside the law or is limited or handicapped by the law, and to economic agents or business and real estate assets, that are missing fundamental legal and economic mechanisms.

A wide range of under-exploited opportunities by the poor and marginalized was discussed namely; growing demands for goods and services, growing investments and per capita income, rapid urbanization and the growing access to foreign markets. Other opportunities include under-exploited natural endowments, technology and presence of a large number of unemployed and under employed labour and talents. The major potentials in Zanzibar include her historical access to Middle East markets, tourist and hotel industry.

With all these potentials to be harnessed, one becomes curious to understand why these opportunities have not been adequately seized by the poor and marginalised. The paper provides key reasons and barriers for seizing entrepreneurial opportunities. These include; limited awareness and capacities of the operators (with respect to exposure, value, attitude, knowledge and skills), SMEs that simply duplicate from each other, education system that doesn't embrace entrepreneurial attitudes, most businesses are neither risk taking, opportunity seeking nor innovative as some operators do business out of necessity. Other barriers include limited access to financial support and worse still most financial institutions do not understand the culture of small firms, homelessness on micro firms as they operate from temporary, illegal sites or premises including lack of street names or credibility of the business including low level of trusts in the society, bureaucracy in business licensing and registration, limited capacity of local authorities to support small business and even worse the spirit of reforms that have not yet been fully embraced at the local government level; and limited ownership and failure to translate national policies, laws and regulations and strategies into actions. The situation is also not good in Zanzibar where there is lack of specialized SME development institution, formal training institutions are not actively engaged and the capacity of existing providers is very limited. With all these barriers in place, the poor including

women, and youth have neither been able to adequately harness the potentials nor seize the opportunities to reduce poverty.

The paper also recommends a long list of strategies for pro-poor business development in Zanzibar some of which specifically include; making formalization affordable and attractive, accelerating on-going reforms in business environment, titling and licensing, redefining the roles and maintaining local governments to engage in business development and promotion, enhancing access to financial services for the poor including creation of innovation and capital fund, building appropriate curricula to address issues pertaining the poor and livelihoods, introduction of agricultural incubator and strong specialized institution in Zanzibar, radio training programmes, transitional programmes for graduates and retirees, fast tracking of attractive environment for SMEs development, and ensuring that local governments designate and service special areas where related types of small businesses could operate from.

It is a surprise to observe that despite the existence of many policies in Tanzania, the poor and the marginalized have not made significant development strides out of this quagmire. The paper itemises the policy and strategies in question as the 2025 vision strategy, The SME Development Policy (2003-2013), the National Strategy for Economic Growth and Poverty Reduction (MKUKUTA); MKUZA in Zanzibar, Sustainable Industrial Development –SIDP (1996-2020), The National Micro-finance Policy (2002) and policies on agriculture, livestock, employment, minerals, trade, women, gender, economic empowerment, cooperative and rural development. Needless to emphasize, these policies and strategies if fully operationalized could significantly empower the poor and change the poverty landscape in Tanzania.

The fore going observation calls for a further examination and understanding of the efficiency of legal tools and particularly institutions pertinent to legal empowerment of the poor and marginalized. The paper suggests alternative approaches; the custodian institution such as TIRDO, CAMARTEC, TEMDO and other organization established to support enterprise development in Tanzania are supposed to take the lead. Furthermore, the methodology for involving the poor and marginalized in the reform process is recommended. This is about supporting establishment and development of associations into SACCOS, advocacy groups and building their capacity for advocacy, making Public-Private dialogue at local government level mandatory and assessing business environment in terms of perceptions of the poor and marginalized for the purpose of making them rather competitive.

Successful examples in the areas of biogas cassava processing technology were cited. A unique feature is that these technologies were developed in Tanzania but are apparently and widely used in the neighboring countries of Rwanda and Zambia respectively. The paper, however, offers a limited insight on the driving force for such innovations, the kind of partnership arrangement, and the role of

the poor and marginalized in the process. A more elaborate example on how a local government can facilitate SME development is cited with specific reference to the City of Buenos Aires in Argentina whereby a comprehensive approach to enterprise development is underway.

In conclusion, the Presenter urges for more actions than plans if the plights of the poor and marginalized is to be optimally addressed with impact.

4.0 EMERGING ISSUES FROM DISCUSSIONS

4.1 Access to Justice and the Rule of Law

The Working Group on this theme formulated a working definition with regards to how the poor define justice prior to getting into the discussions in order to have a common understanding in responding to the questions tabled before them. This is largely because the poor have their own contextual sense/view of justice that is not necessarily the same as that felt by those who are not poor. The working group agreed that the poor have their own reasonable and workable way of accessing justice outside the formal system and that the non-poor's understanding of justice tend to be prescriptive to the poor and hence, exclusive. To the poor, the formal legal system has inadequate resources to secure justice as defined in the formal system and the pragmatic way of accessing justice need to be recognized and included in the formal/legal system because for them justice is first and foremost about *kutoonewa*¹ in all aspects of life and livelihoods.

Possible strategies with respect to access to justice in Tanzania for the poor were formulated. These include:

- Matching and harmonizing formal legal forms of identification with the poors' own locally-accepted and workable informal forms of identification instead of imposing alien ones that are inaccessible to the poor with regards to the *legal identity*.
- Ensuring that "our" prescriptive and paternalistic attitude of assuming that the poor are ignorant about their rights and that all they need is public awareness and civic education campaigns with respect to ignorance on *legal rights* is changed.
- Incorporating the poors' informal ways of accessing justice in the formal legal system instead of imposing "our" formal ways that tend to ignore their way of life and reasoning with respect to *legal services* issues.
- Including the poors' rights in an enforceable formal system of legal rights that currently tend to exclude the poors' conception of justice and rights to livelihood and security as far as the problem of *unjust and unaccountability of institutions* is concerned.

Two examples of reforms were cited by the working group; the "corporate sector" and the "Tanzania Revenue Authority" (TRA). The successfulness of the reforms, especially in terms of social returns, remain questionable. The corporate sector, for instance, has been successful on efficiency but not in the context of social reforms since it does not enforce social or public accountability. Whereas,

¹ *Kutoonewa* is a Kiswahili word whose literal translation means "not to be denied a right or ill treated". I stand to be corrected (Rapporteur).

TRA has been successful in collecting more revenue but it is not successful in enforcing corporate responsibility and accessibility taking into account that as of today, tax payers account only 20 per cent of the populace. Briefly, the poor have been marginalized in the reforms since they tend to focus on one objective of achieving efficiency at the expense of addressing holistic issues that involve everyone such as issues of social and public responsibility.

Twelve non-governmental organisations from different parts of Tanzania conducted local consultations with ordinary Tanzanians on the four aspects of legal empowerment with which the Commission for the Legal Empowerment of the Poor (CLEP) is concerned². Their contribution is as summarized hereunder:

- Accessing justice takes a long time. Largely because the process involves a lot of bureaucratic procedures. Corruption, including sexual corruption among government officials was also mentioned.
- It is difficult to access justice because the legal facilities are scarce, lawyers are few, the already few courts are flooded with cases and the majority of the poor cannot afford fees charged by legal experts.
- The municipal authorities enact bye-laws without involving people.
- Lack of awareness about laws is perpetuated by the Government's inconsistency in its enforcement of these laws. For instance, the government move to demolish their business premises even though the Government used to tax them in line with the taxation laws: "

A way forward was also charted out by the Working Group. The major contribution is as outlined hereunder:

- Cognizance to the fact that Tanzania has two parallel systems of accessing justice namely; the formal and quasi-formal/legal systems, there is a need to harmonise them in order to include the poor.
- The law should start with the people, meaning that the poor need to own a bottom up pragmatic system of accessing justice; not an alien imposed modern/formal system of justice hampered by inadequate formal/legal resources and services.
- The system of preparing laws need to be holistically guided by the principles of transparency and accountability and not by mere disconnected procedures. And more so, is to ensure that reforms adopt a flexible approach whose outputs are subject to regular reviews.
- The reforms need to enforce and secure just for the poor and address their reality on the ground, and not only limited to the aspirations of the "reformers" and the demands of the market-led economy.

² These are the NGOs and the areas consulted are: NJODINGO (Njombe, Iringa); NGOTA (Tarime, Mara); PAMOJA TRUST (Mwanga, Same and Moshi, Kilimanjaro); MARTEA(Kahama-Shinyanga and Tabora); CVS (Kigoma), DONET(Dodoma); ANGONET (Manyara); MWEDO (Arusha); LISAWA (Lindi) and TAWSEI (Rufiji, Pwani) and VIBINDO (Dar-es-Salaam)². A total of 674 diverse people were consulted. These included small-scale farmers, traders, pastoralists, workers and fishermen and others. The main method used was Focus Group Discussions (FGDs), conducted by competent facilitators and experienced rapporteurs

The Group of NGOs also deliberated that education about various laws, especially those pertaining to property rights, ought to be imparted to the poor. In addition, non-professional tribunals need more support in order to function better.

4.2 Property Rights

The Working Group agreed that if the poor are empowered they would be able to enjoy a wide range of benefits particularly guaranteed security of ownership, easy transfer or disposal of property including motivation to innovation and production. However, a caution was made; that existence of property rights may not automatically lead to legal empowerment and formalization is cumbersome and expensive for the poor. This assertion was also corroborated during the plenary session. Hence, the need to have an understanding of who is a “poor person” in Tanzania with regards to one’s home location, needs, and what is possessed. Indeed, one has to expand the definition of property beyond land and business.

Further observations were made by the Working Group with respect to the role of property rights in empowering the poor. Indirect, but fairly informative responses were made. These include:

- Possession of a title does not necessarily lead to access to loans. Other factors such as credibility, capacity and collaterality of the property do count;
- Registration of formalized property under specific names, may disempower other eligible members especially women and children.
- Formalization may lead to loss instead of legal empowerment. Titling of property, for instance land, makes it highly fungible and valuable, thus, the need to consider customary processes such as ownership, regulation and dispute resolution.
- Informality sometimes has advantages e.g. not paying taxes. From the poor’s point of view, formalization, therefore, may disempower instead of empowering them.

The major barriers to creating an inclusive enabling system of rights that addresses the interest of the poor and marginalized were largely identified by a Group of NGOs and a paper circulated to the participants of the Conference. The major ones are outlined hereunder:

- The poor find that the procedures for acquiring land titles to be very cumbersome, costly to them, very inconsistent and marred by corruption.
- Women’s access to property/land rights is highly limited as they are routinely denied the right to inherit land, house and other property on the death of their husbands or fathers.
- Lack of knowledge/awareness about land rights and the appropriate legal procedures of acquiring land titles as an obstacle in securing land ownership.

- Centralization of application for land titles in only four regional/zonal offices (Dar-es-Salaam, Mwanza, Mbeya and Dodoma). The majority of the poor cannot afford the cost of traveling.
- Land formalisation process will be costly to the poor.
- The poor questioned the procedures and requirements they have to fulfill in order to access loans such as a TIN, a bank account, a title and /or a well-established business.
- Pastoralists are particularly concerned that they have been evicted in the past from common grazing areas in Serengeti, Ngorongoro, Tarangire and Mkomazi without being given alternative areas.
- Surveyed plots is a very expensive exercise that makes difficult for the poor to acquire them.

Ways in which Tanzania can create an inclusive enabling system of rights that addresses the interest of the poor and marginalized are diverse and seemingly un-exhaustive. The major ones are:

- Decentralising, streamlining and simplifying administrative and judicial processes on property registration including to mandate local authorities to issue titles,
- Strengthening partner institutions including establishment of village land offices
- Giving incentives to formalized properties and providing public education.
- Creating rules that cater for both individual and collective ownership of property
- Harmonization and clustering of organizations dealing with property Rights
- Procuring, installing and training simple modern technology of land demarcation and issuance of village land certificates.
- Establishing village reconciliation committees or organs to address inter and intra family property ownership disputes.

Additional insights on how Tanzania can create an inclusive enabling system of rights that addresses the interests of the poor and marginalized was were complimented by a Group of NGOs as discussed earlier on. These include:

- In Tanzania, property rights should encompass pastoralists, fishermen, and hunters who have no permanent settlement and own land communally.
- Land should not be seen merely as a "property" but land, which represents security for them and their families.
- The process of issuing land titles should be initiated and processed by the village community and not from above. The process should be open and transparent and capacity building at that level was emphasized.
- The poor want a law that will ensure that their properties are recognized as collateral for accessing loans whereas the pastoralists want their livestock to be regarded as collateral.
- Pastoralists suggest that the government reviews the laws in order to appreciate and recognise the economic value of the pastoralist system of

land use and strengthen the rights of livestock keepers to sustainable use of rangelands.

- The Government should enforce security of land by making sure that communal ownership of land is legally recognised and protected and there should be limitations on the private ownership of land.
- Land laws should give deliberate priority to indigenous (*wazawa*) in issuing land ownership titles. The poor are concerned about large tracts of land being leased to investors or rich Tanzanians for long periods.
- Many participants were under the impression that land titles will automatically guarantee access to loans: this has to be addressed carefully by the Government/MKURABITA. This is particularly pertinent because people's expectations about the power of land titles to secure loans are very high. However, evidence indicates that responsible lenders will use other criteria, apart from land titles, to judge the creditworthiness of a loan applicant and will in any case be reluctant to accept low-value pieces of land as collateral.

The plenary session, enriched the Working Group and NGOs contributions. These include the need to recognize the rights of the poor and not necessarily issuing them with titles because the later is too costly and cumbersome; making use of grassroots actors in data management on properties; revisiting the mandates of Village Assemblies in order to match them with the roles assigned to them; rethinking about land ceilings to curb land grabbing in rural areas; the government commitment to minimize ejection to usually the poor is needed; the interface between informal and formal is perhaps the most appropriate for the poor.

In order to address the challenges with respect to property rights in rural and urban areas in a prioritized manner, the following approaches were formulated by the Working Group during the Consultative Conference:

- Setting simple rules and ensuring that executing personnel are competent and not corrupt, responsible and made accountable
- Using 10-cell, village and ward system effectively in land administration and especially registration and dispute resolution once capacity is built in.
- Creating property and land ownership committees at district level
- Establishing a secretariat on property ownership
- Building capacity of Local Government Property recording system
- Pilot districts should be established and good lessons of experience should be rolled over out to other parts of the country and
- Revisiting the actual cost of land survey affordable to the poor
- Eviction must be followed by equivalent compensation; meaning land should be compensated by land.

It was deliberated that the government should lead in the implementation of these initiatives. However, the process has to be participatory and the one which embraces public-private partnership arrangement.

Some successful examples were cited namely Mbozi District Land Titling Programme by the Ministry of Lands, Housing and Human Settlements Development (MLHSD) in which customary certificates of occupancy are issued. The programme is jointly supported by the World Bank (WB) and the European Union (EU). Other examples include the 32,000 plots design and cadastral survey by the MLHSD in Dar es Salaam; computerisation of records/registries, decentralisation and zoning of registries and establishment of database in Mbeya, and Handeni Land Titling Programme by the Property and Business Formalisation Programme (MKURABITA).

The Mbozi programme in particular was a very demand driven by the people of Mbozi themselves who wanted to seize the opportunities and incentives of having legal documents to the land parcels they owned. This was further propelled by the government and donor support.

The partnership arrangement between stakeholders was such that the leadership was very localized from the beneficiaries whereas legal expertise was provided by the MLHSD and financially supported by the WB and the EU.

Some emerging issues were reported especially the need to improve coordination among various stakeholders; ensuring that those who own land do not end up losing it in the event of formalisation of property; those who do not have property are facilitated to access it; and redressing the question of multiple ownership of land parcels in rural settings—for farming and residential uses.

4.3 Labour Rights

The Working Group introduced the presentation by characterising what informal sector was in the Tanzania context. It is a sector in which individuals operate or conduct business outside or beyond the realms of the legal framework... no taxes paid, no inspections conducted.... Thus, non-enforcement of labour standards, non application of conditions for employment and lowly regarded. Furthermore, the Group defined a "decent work" as "...work that is freely chosen and conducted in conditions of freedom, security and dignity".

Practicable strategies to achieve the decent work agenda objectives in the informal sector were formulated as recognition or registration of the business, access to financial services and formulation of specific legal framework of particular standards for the informal sector to grow.

Specifically, strategies that could support informal sector workers include extension of inspectorate services to cover enforcement of all existing laws; creating an enabling environment for creation of informal sector organizations and their representation, extending financial support especially micro finance, training in business start up and management, extending social security coverage and increased representation of informal sector organizations or operators through, for instance, MKURABITA.

Specific barriers faced by women in the informal sector are also diverse. These are unfair spouse interference and control (unruly husbands, social-cultural factors... discrimination), low capital and discriminatory rules especially by the financial institutions, low level of training, excessive domestic roles/ baggage and non-control over funds or proceeds accruing from the informal sector business ventures including own salaries.

At this juncture, it is worth raising the voice from the people as recorded by a group of NGOs with respect to barriers to decent work agenda. They also observed a number of barriers some of which include Labour Laws that are not enforced in favour of employees and their rights are not protected by labour laws as they do not have contracts. Other barriers include; sexual harassment, compulsory HIV/Aids test to job applicants, inability to enforce prescribed minimum wage as most of them do not have a detailed knowledge of Labour Laws although they seem to know their expectations and/or rights (better working condition, reasonable working hours, fair pay and equal opportunities). Perhaps, employers are often free to adopt abusive labour practices largely due to widespread unemployment.

More barriers faced by poor in the informal sector were brought up during the plenary. These include presence of Labour Laws that perpetuate poverty; costly legal set up inhibiting employers from declaring their employees; reforms that do not take into account social cultural issues including gender; a very narrow

definition of reforms which is largely limited to recognition and registration ignoring harmonization of various laws; and Labour Laws that are not effectively protecting the poor. For instance, Tanzania Labour Laws have not been able or enforced to protect local jobs from foreigners especially in informal sector.

The special needs of women in the informal sector were identified as training, ownership of property and empowerment especially a shared control of proceeds accruing from business. During the plenary, the parameters of "empowerment of the poor" were outlined as skills, government and donor commitment and contacts and networks.

One case of a successful example was cited namely; the financial sector reform in which informal sector groups have been able to access financial services including removal of income tax, introduction of private banks and rather flexible procedures. This is in a way an economic empowerment of the poor.

Although this Group could not respond fully to the guiding questions, it is interesting to note that two questions emerged in the course of their discussions. That is, why isn't the current Labour Law Regime applicable to the informal sector? And why are the tripartite partners unwilling to uphold the labour laws in the informal sector?

4.4 Entrepreneurship

Unlike other Working Groups, the Working Group on Entrepreneurship directly responded to the guiding questions without any conceptual or contextual setting.

The needs of women, youth and marginalized groups who conduct business in the informal economy are three fold namely awareness/information, training and access to financial services. To these groups, *awareness* is crucial because it is about benefits of formalization, heir rights, business opportunities around them, and getting informed about procedures, requirements and costs for operating a formal business. *Training* is about developing attitudes and skills to enable them compete and operate profitably. Furthermore, it is about being able to Keep simple records for the activities being customer oriented and becoming more innovative or creative in conducting business and being able to conduct basic assessment of viability of business ideas. They also need *financial services* in order to access loans, expand businesses by expanding capita base, access pre-loan training and benefit from insurance arrangements.

The Group of NGOs revealed that the needs of the poor and marginalized who conduct business in informal economy include accessibility to loans and capital but decreased interest rates, access to information specifically about the TShs One Billion fund for each regions, accessing special areas to conduct their businesses but not being assigned areas that do not attract customers, access to reliable markets, giving them tax exemption in the manner the same government exempts foreign businesses for a specific period for the businesses to grow, formalisation of businesses, hence empowering the poor economically, allowing small-scale traders to operate without licenses and make the issuance of licenses less costly and cumbersome, and business education. During the plenary session, removal of institutional barriers was added.

The *legal tools* required to empower informal businesses are many, however, the most important ones include reviewing zoning laws especially ensuring that all local authorities designate appropriate areas for micro and small business operators, punitive actions are taken against local governments t which do not strictly enforce zoning regulations, mixed land use is encouraged to enable micro operators operate closer to homes formally, where possible, large number of informal operators are located or clustered together. Other legal tools include reviewing all laws and regulations to remove complex regulations and processes, Introducing a simple partnership law to enable micro and small business operators' groups to become legally recognized (have legal status), reviewing the company law to make it possible for sole proprietors to have limited liability status, limiting access to informal sector to only Tanzanians, decentralizing business registration to the district level (possible with computerization), making judicial processes more efficient, equitable and corruption free through education of all parties involved, strengthening advocacy capacities and forums and more

effective enforcement and a constitutional guarantee of reasonable, simple taxation and no sudden taxes on micro and small enterprises.

The *mechanisms* required to empower informal businesses also demand serious attention specifically enhancing public-private dialogue at local government level, support formation and development of CBOs, NGOs at grassroots level and use them as vehicles for delivery of sensitization, training and other support to informal micro and small enterprises, establishing venture capital fund; making TRA, TBS, TFDA, BRELA and other regulatory organizations communicate the procedures and costs to the grassroots level, using a language and mode of communication which can effectively reach that level, encouraging corporate entities to support capacity building of micro and small businesses around them as part of social responsibility, promoting sub-contracting arrangements between large and small companies, making laws more accessible to micro and small businesses, making BEST programme more sensitive and focused on the needs of micro and small enterprises; ensuring that NGOs/CBOs support informal, micro and small business operators to know their rights and obligations and how to operate businesses, and ensuring that education and training institutions support and encourage to start units/centres/departments which support businesses.

In the process, *institutions* could support informal sector empowerment by establishing grassroots organizations such as NGOs/CBOs to train informal, micro and small business operators, establishing offices in the local government structure to deal with SMEs, strengthening MFIs through capacity building, establishing a venture capital fund to deal with financing SMEs, establishing business incubators as close to operators as possible, establishing micro-finance development banks, and strengthening advocacy organizations and networks.

Several factors, however, need to be considered to make informal businesses more visible. These could be provision of adequate, appropriate serviced land, promotion of associations and enhancement of their advocacy capacity and provision of public education on the role of informal sector and benefits of formalization.

The discussion was further enriched by the contribution from conference participants during the plenary. The major ones include seeing formalization of businesses as a process of recognising them so that we do not fall in the law trap – they are informal simply because we have not recognized them, legal empowerment is a pre-requisite for the businesses to access services, to have a legal enforcement machinery that treats fairly both, big and small business operators, need to be more creative for new businesses, for instance, a link between afforestation and bee husbandry, good cases of reforms should generate lessons of experience on which future poverty alleviation strategies ought to build, and businesses ought to be locally-driven in order to create ownership as opposed to donor-driven initiatives.

Four successful examples of reforms were cited and thoroughly discussed in the light of driving forces, partnership arrangements and the role of poor and marginalized in the process. The cases in question include Kilimanjaro Association of Special Coffee Growers (KILICAFE); CRDB/SACCOs linkage, Mwangi Community Bank and Mkombozi Water Users Association.

KILICAFE

About 3,000 small holder farmers in Kilimanjaro, Mbeya and Mbinga were supported to form an association, upgrade quality and jointly market better quality coffee to local auction and international markets at a much higher price. The association depends on a 3% deduction from proceeds of coffee to run its operations. The driving forces were largely due to highly motivated and disciplined farmers because they were self selected. Others include Techno-Serve experience and capacity to understand markets and their dynamics and of equal importance funding from USAID. The partnership arrangement involved TechnoServe – an international NGO – support formation, registration, capacity building of association; USAID – Development Partner (funding); Kilicafe – Kilimanjaro Association of Specialty Coffee Growers –organized themselves, Local governments (political support).

CRDB/SACCOS Linkage

The CRDB Bank, a private company, has been working with SACCOs in rural areas to build their capacities through training, establishment of management systems, etc and then LENT to these SACCOs for onward lending to their members. The driving force of change has been competition for financial services in the corporate sector and hence need to downscale to expand client base (CRDB) and need to increase outreach to majority of the poor (DANIDA). The key players are DANIDA/CRDB whereas the roles of poor and marginalized have been to organize themselves into SACCOS and comply with CRDB requirements.

Mwangi Community Bank

Tanzania Gatsby Trust, has supported establishment and strengthening of Mwangi Community Bank – MCB (among others). MCB Established (licensed year 2000), 3,600 shareholders, reached breakeven in 2003. The first dividend of Tshs 52 million was effected in 2005. The driving forces for the success were largely dual-fold: Outreach by the government and a shareholders arrangement which facilitated access to financial services such as loans, transfers, deposits and new products. The partnership was basically that of the Tanzania government (for financial resources, training/capacity building) and shareholders (for reciprocity by tapping the opportunity). The role of the poor/marginalized was related to establishment of SMEs, acquired shares, and that of being customers, and hence depositors.

Mkombozi Water User Group

The project was about establishment of a water supply through rain water harvest on the ground for use in irrigation and livestock. The user group was

formed - Mkombozi Water Users' Association in Gichamedda Village, Babati District in Manyara region in order to manage the use of the water for villagers sustainably. The driving forces were largely dual-fold; to get rid of adverse poverty and cost effectiveness of the project as it was realized that the villagers could contribute to it by only using land they are already possessing. The key partners include UNPD/ILO/Netherlands government for funding and UNDP brought a volunteer. Later on more partners joined namely Heifer Int, IFAD, JICA and World Vision. In addition, Babati District Council provided transport – lorry when needed, Arusha Regional Secretariat provided irrigation technicians; the villagers provided labour and 25% of earnings, Darakya Ranch Ltd (private company) provided their earth moving equipment for the dyke work. The roles of the poor and marginalized in the project have been self organization, their time and labour in carrying sand, working on the dyke and attending training. They demonstrated a strong commitment to the extent of attracting many other donors.

5. 0 CLOSING REMARKS

5.1 Wrap Statement made by the CLEP Executive Director, Mr. Naresh Singh

Mr. Naresh Singh made the following wrap up statement.

"I take this opportunity to thank you for listening to the final session this morning. I already feel a sense of success to this part of the process.

It's a long way to go before we can declare victory; there is a hard work to be done in the road ahead of us.

We must also acknowledge the leadership role of President Mkapa and the works of the commission in Tanzania.

I would also wish to acknowledge the role of Mr. Salema and your team that have managed to put this together, the authors of the papers were the heart of this work and they have done a tremendous job.

The works of the focus groups and the participants have given a very deep insight of both challenges and opportunities which we face.

The discussions and excellent works of the authors and presentations have been insightful perhaps and therefore I am looking forward to the rapporteurs who have listened very carefully to the suggestions we have heard so that the total outcome will indeed be a rigorous reflection of the realities we face here in Tanzania.

We have said from the beginning the context of Tanzania, i think we have a context in which progress and success is possible.

The legal empowerment of the poor is all about the poor taking greater control of their own lives through the use of the law.

From the presentations we can summarize the goals as seeking both the protection of the poor and the creation of new opportunities for the poor. So on one hand is the protection and the other is the opportunity. I think there are 2 summary words that come to my mind as I listen to the debates.

But then when we think of the protection, what do we think of? We think of reduced vulnerability which means reduced shock and stress in the lives of the poor. We are looking at things like reduced force convictions and reduced extortionism and the need to pay bribes, we are looking at reduction in all the

vulnerabilities and negatives that result from living a life in the informal or if you like the extra legal sector.

On the other hand I hear a clear debate on the issue of creating equal opportunity for the poor to lift themselves out of the poverty. And am hearing how do we enhance livelihood opportunities? How do we make the livelihood of the poor most sustainable? And then we are clearly hearing the need for opportunities in the areas of jobs and employment, improved business opportunities, enhancement of assets for improved productivity and by assets on having the whole range of human, social, bilateral relations, physical & economic aspects.

While our commission focuses largely on the field of physical & economic aspects, it clearly must clarify on the relationship of the broad aspect base to the improvement of the livelihood of the poor.

We must take into account the factors of economic effectiveness and how the role of law will work this asset base in Tanzania to improve economic effectiveness, social equity, and ecological integrity.

Protection and opportunity of the twin goals of the work to this conference echoing will be achieved and supported by the work of the commission and we have already discussed through changing power relation by reform in the areas of property right, access to justice & the rule of law, labour rights and business opportunities.

The issue is not to do the same work that is already been done so well by several development agencies, bilateral, multilateral and by government and people of Tanzania already.

Our focus as we have said is how to change the power relations between the under privileged and the elite in order that the poor might have a better chance.

Before our hard work that might lead to success, how do we know when we achieving success? What measures will we have to conclude that indeed we have reached some of the milestones we are either explicitly or implicitly setting ourselves?

I would think success at three levels of output, we would be successful if we have the necessary policy, legal and institutional reforms in place.

A lower level of success will be the beginning of those changes that will be the first level that we will be able to measure success at the output levels of the reforms.

The second level of measuring success will be at the outcome's level. And what we might look for would be enhanced social security, asset protection and economic opportunity.

The third level of course in the jargon of development practitioners would be the impact level. How well will be able to measure impact of the work we are doing through out this entire process?

If the stakeholders were to be able to use the output and effectively as we know then we will be able to get these outcomes.

It seems to me that there remain things that are necessary which the commission cannot do but are necessary for the success of our work, and our partners will have to make contributions there. They include capacity building, a greater level of awareness, we will make our contribution but you will help us in building the awareness of the people of Tanzania especially the poor in recognizing their rights and most importantly to demand those rights. If that is not done we will not succeed in achieving the impact.

If we are successful at the impact level, we should ultimately see two things happen, one will be poverty reduction and the other will be wealth creation. Sometimes I believe the two can be the same but with the commission of our kind there is a distinction in some people's mind between poverty reduction and wealth creation.

I pick on one issue that really struck me and that is the discussion of the formal and the informal and I have never heard it put more eloquently like you did. In this country it seems that the formal can sometimes be more informal than the informal itself. It says a lot because if the informal is formal in many ways we have a series of lessons that we can extract from the informal sector that help to create a more inclusive legal system. May be it is time to look at those successful informal social contracts through which the informal sector is making its living and help to enhance that future on the success of the informal sector.

It means therefore that we must also look at what needs to be reformed in the informal sector and we cannot accept that formal sector is right and the informal sector is wrong and therefore what we need is formalizing the informal. That must be doomed to fail.

So what we need to see is the convergence between the formal and the informal rather than linear mechanical transformation.

Sometimes it seems that formal sector can sometimes be seen as an arena of political entrepreneurs while the informal sector is an arena of economic entrepreneurs. The formal sector having a large number of people who can manipulate the legal and political systems to their own benefit and the informal

sector not having that capacity must resort to the formal sector in order to survive.

But the convergence between the two and an enhancement of both is the best way forward.

On the issue of wealth creation and poverty reduction, in the developed world poverty is largely a social problem. And sometimes we learn a lesson from the rich/developed world that we sometimes conclude that they think of poverty and the way they approach poverty must be the way they do it in the developed world.

But in the developing world poverty is a political and economic problem as well as a social one because in the rich world while we have pockets of poverty in the developing world there are large area mass of poverty and therefore without political and economic intervention poverty will not be reduced.

In our own work we have identified the rule of law in helping to change political and social issues in enabling the poor to help themselves.

In the final analysis we might learn much more from the way the developed world created its wealth rather than how it deals with the poor.

Thank you for your attention."

5.2 Closing Speech made by the UNDP Resident Representative and UN Resident Coordinator, Mr. Oscar Fernandez-Taranco

The UNDP Country Representative closed the conference with the following brief speech.

“H. E. Former President Benjamin William Mkapa;

Hon. Secretary of State Madeline Albright, Co - Chair of the UN Commission on Legal Empowerment of the Poor.

Hon. Chairperson,
Government Leaders,
Development Partners,
Civil Society Activists,
Distinguished Participants,
Ladies and Gentlemen.

Let me start by thanking the Commission on Legal Empowerment of the Poor for inviting me to participate in the closing session of this very important conference that deliberated on this most important issue of legal empowerment of the poor.

It gives me great pleasure and I feel most privileged to address a conference of stakeholders who are working so hard to ensure that the people of Tanzania, particularly the poor have access to Justice and Rule of Law, Property Rights, Labour Rights and Entrepreneurship skills. These efforts indicate clearly that people are placed at the center of development in Tanzania.

Mr. Chairman,

Among us today, we have H. E. Former President Benjamin Mkapa who is not only a pioneer and believer of the power of Legal Empowerment for the Poor, but who has manifested his passion for empowering the poor in his contributions to numerous high level panels, including the work of the Commission for Africa, the Social Dimension of Globalization, and now as a Commission on the CLEP. We are also honoured today with the presence of the Secretary of State Madeline Albright who among many distinguished functions is also the co.-chair of the UN Commission on legal empowerment of the poor, which UNDP supports.

I would like to take this opportunity to commend former president Mkapa for his distinguished leadership and advocacy for the poor, MKURABITA and UN HLCLEP for the great effort and dedication they have put into organizing this important National Consultation.

Distinguished Participants,

I have noted that the agenda for this conference has attracted tremendous national interest, ownership and leadership. The HLCLEP provided much appreciated technical and financial support but it was necessary that national stakeholders identify and appreciate the value of this agenda to their own situations, take it on board and run with it. In his speech yesterday, **H. E. President Kikwete** clearly voiced and promised support from the Government of Tanzania. This high level political commitment is clearly essential and crucial for translating the outcome of this workshop into actionable programs. I also note that this commitment is not limited to the top leadership. Since yesterday, we have witnessed lively, passionate and productive discussions and consultations around topical papers prepared by national authors. I have been most impressed by the quality of the papers, as well as the quality of the consultations and the issue unearthed which no doubt in my mind would help shape the final product of the work of the CLEP.

Mr. Chairman,

Allow me to take this opportunity to highlight a few points that many colleagues and I have observed, which I see as the necessary ingredients for the success of empowering the poor. As **H. E. President Kikwete** said yesterday, I see relevance and importance of this process as it nests well within the broader national development context and the commitment of the Government of Tanzania and its people to extricate this country from the cycle of poverty and under-development. As we all know, the National Strategy for Growth and Reduction of Poverty (MKUKUTA) is now in its implementation phase. I see clear linkages between legal empowerment of the poor with the attainment of outcomes of cluster one of MKUKUTA which is "Growth and Reduction of Income Poverty), as well as outcomes of cluster three which is "Governance and Accountability". This augurs well with what Prof. Amartya Sen, the Nobel Prize – winning economist said, "Human development is about empowerment and democratic governance is an essential element of sustainable poverty reductions"

Ladies and Gentlemen,

MKUKUTA has clear strategies that are aimed at empowering the poor. Notable among those is the one that seeks to identify and review laws, which deny women and youth access to productive and financial assets – including personal property rights. Similarly, there is the strategy to strengthen security of tenure of demarcated village land held communally or individually.

I am encouraged that the discussions have not been limited to property right but have also covered secured and enforceable labour rights, within an enabling environment that expands legal business opportunity and access to justice to

Tanzania's poor. I believe enforceable labour rights will help the poor get out of poverty through decent jobs creation. All this is a good recipe for reduction of poverty and promotion of growth. The fact that legal empowerment is easily and firmly located in the MKUKUTA provides the synergy and linkage necessary as one of the many operational instruments in the MKUKUTA implementation.

We know that poverty in Tanzania is largely a rural phenomenon and we know also that most of these "poor" people have assets of some kind especially and which unfortunately cannot be used as security for income generating activities. This is where the work of MKURABITA of securitization of such assets has been particularly vital and relevant for implementing what is articulated in MKUKUTA.

Mr. Chairman,

The key issues and themes that have been discussed during this conference, resonate well with the national development contexts I have just explained earlier. So please, allow me to use this opportunity to brief reflect on the themes: Access to Justice and Rule of Law, Labour Rights, Property Right, and Entrepreneurship.

The discussions around "access to justice and rule of law" has come up with issues on the necessary reforms, that need to be in place for a transparent legal and institutional arrangement for which the poor have confidence and can participate freely. Currently, the informal sector is outside of the law. As Secretary Albright stated: "extreme poverty is an overcrowded prison with no justice. We need justice to open the doors of the prisons and unleash the entrepreneurial spirit of the poor so that they can participate and contribute to wealth creation". We have seen that special consideration should be given to customary norms and traditions, and legal structures that hinder access to justice.

Mr. Chairman,

Regarding labour rights, interesting ideas have come forth on how a decent work agenda can be advanced as well as ways to protect the rights of the poor without impeding economic growth and business competitiveness. On property rights, it is my understanding that participants focused on new approaches and reforms that will facilitate formalization of the informal assets and activities of the poor.

Here experiences from MKURABITA's activities were shared and proved useful in shaping the recommendations. It is important that we find ways to reduce the very high costs poor people face in legalizing and certifying their assets and access to land titles, associated with this is the why the work of CLEP is so timely.

Mr. Chairman,

As we conclude these consultations today, it is important to think about the way forward for this process. First, on the process, I am informed that this meeting will be followed by the East Africa regional consultations and finally the final report. It is my hope that recommendations and other outputs from this conference will be taken into consideration in the Commission's final report. As **H. E. President Kikwete** stated, at this crucial intersection of exclusion, poverty and law, the work of the commission can contribute to the institutional reforms in Tanzania.

Second, we should not see this as an event, but going forward, we should see these national consultations as the beginning of a sustained dialogue. It is necessary that the lines of communication and feedback stay open and the UN stands ready to fully support the process of engagement. Indeed, the UN in collaboration with other development partners has been supporting related initiatives, which include the Legal Sector Reform Programme, Review of Labour Laws, and the application of Human Rights Approach to programming. Within the current UN Development Assistance Framework (2007 – 2010), empowerment of the poor, including legal empowerment, is a key pillar and in this we look forward to working with all actors.

Third, I am glad to witness the constructive involvement and participation of development partners including multilateral and bilateral donors. And I call upon all of Tanzania's development partners to support this process. I am aware that some of you are already supporting this initiative in one aspect or another notably the excellent support that the Norwegian Embassy has been extending to MKURABITA.

Mr. Chairman,

Let me once again congratulate and thank all of you for the very fruitful discussions and consultations.

Thank you all for your attention.

ASANTENI SANA"

PART THREE

ACTIVITIES CONCOMITANT WITH THE CONFERENCE PROGRAM

HANNA NASIF VISIT

The co-chair of CLEP Hon. Dr. Madeleine Albright arrived at the Hanna Nasif up grading settlement project around 09.30 hrs where she was received by H. E. Benjamin William Mkapu and the Kinondoni – District officials, MKURABITA's Management as well as the leaders of the Hanna Nasif Ward.

The Hanna Nasif Ward Executive Officer read a report of the project where, Hon. Dr. Madeleine Albright was informed that the Hanna Nasif Ward has a total population of 33,765 with 3407 houses. The ward is divided into 3 sub-wards namely Mkunguni, Kisutu and Hanna Nasif.

Name of Sub-ward	Population	Houses
Kisutu	5033	672
Mkunguni	12,236	1309
Hanna Nasif	16,466	1420

The Hanna Nasif Settlement Upgrading Project was initiated by Women Advancement Trust (WAT) / Human Settlement Trust in 2003. WAT was funded by a Norwegian NGO, NBBL and Canadian Organization.

The survey project covers Mkunguni and Hanna Nasif sub-wards. Under this project only 1131 out of 2729 houses are involved in this project, other houses have been built in restricted areas and some have been surveyed by individual house owners.

In 2006, MKURABITA was requested by WAT to facilitate the survey exercise. The project cost about Tshs 30million, out of this MKURABITA has already contributed a total of Tshs 22.5 million.

1. Benefits of the Project

In making the exercise smooth and effective the local government carried out a campaign to mobilize the residents to participate in the survey exercise. This has facilitated the reduction of boundaries disputes. Furthermore, the residents are aware and informed of the benefit of having title deeds. Similarly unplanned settlement / construction has been reduced and infrastructure has now been improved.

Other advantage observed / realized include a collective surveying versus individual survey where by collective survey costs Tshs 30,000/= while for individual survey cost about 500,000/=. Another advantages for this project is security of residents properties (plots) also it is expected that once the project is accomplished individual house owners would be able to use their title deeds to secure loan from various financial institutions.

By having a surveyed area, boundary conflicts / disputes will be diminished since every individual will have a secured / plot (by having rights of occupancy). Likewise, family income will increase since property owners will have reliable source of income.

Other expectation is that when owner intends to sale his / her plot unlike in the past when the value of properties were low, right now the value will be higher. The same applied for compensation, if the government may need to use the area for public use, residents are now guaranteed of receiving fair compensation from the government.

2. Challenges on implementing the Project

Majority of the residents in Hanna Nasif were previously ignorant, as they thought that the government wanted to grab / take those plots from them. Thus, local government took a deliberate efforts to educate the community through public meetings on the importance of surveying their plots.

However, the challenge faced by the local government is low motivation and involvement amongst community members in contributing the surveying costs. The local government is urging the community members to increase the pace of contributing / paying the costs.

3. Other development projects implemented so far in the Hanna Nasif include:-

- _ Construction of drainage system,
- _ Construction of water supply points (viosks),
- _ Road construction

These were funded by Ford Foundation, UNDP and executed by ILO and UCLAS.

- It was further explained to the Co-chair that people have benefited from the drainage system and roads as none of the residents have been affected by floods as it used to be earlier on and roads are passable throughout the year. Also the values of the properties / houses have increased and water is now readily available all the time.

4. Request made by the Hanna Nasif Residents

Request was made to assist residents of Hanna Nasif area in improving their water supply system, and other social services i.e. construction of school and dispensary.

Site Tour

Madame Madeleine Albright and His Excellency Benjamin William Mkapa had time to look at a sketch map of the project area. The Managing Director of the (Integrated Property Consultancy and Services Company Limited) which is a private surveying firm provided short briefing on the whole exercise. They were informed that 600 plots have been surveyed so far and its drawings were ready to be submitted to the Ministry of Lands, Housing and Human Settlement for approval process. The delegates also had time to see some photographs on the situation, prior to the inception of this project.

Later on delegates were able to see pictures of Hanna Nasif area showing situation that existed before settlement upgrading project and situation as it exist now. Delegates were also able to see one water kiosk and which provides water to the residents.

- H. E. Mkapa informed the residents that he has heard their speech and will forward their request to the relevant authority. He then welcomed Hon. Madeleine Albright to say few words to the Hanna Nasif Residents.

5. A short speech by Her Excellency Madeleine Albright

Responding to the speech by the Hanna Nasif residents, Hon. Madeleine Albright expressed her gratitude as follows:-

- She congratulated the Hanna Nasif residents for what they have so far achieved and encouraged them that it was a good / important initiative to implement this project. She further informed them that she, together with Hon. Mkapa are now promoting what is happening in Hanna Nasif i.e. enabling people to have control of their own land.
- She said that legally, poor people have the right to be part of their country's development initiatives and in doing so they need to have control of their own land.
- "As a commission, we came to Africa to listen and get answer from you and note that we have not come with answers. You are the ones with

answers and we have listened and we have seen the progress and the plans that you have for this project.”

She went further by saying regardless that we are Americans or Tanzanians, we all have the same / shared hope. We all need to have a better world for our children. Being a grandmother I see these children as my own grand children and I am going to tell my grand children about their brothers and sisters who are here in Hanna Nasif.

She insisted that we are here to listen and not to tell you what to do. I am very impressed with what you have done here.

6. Short address by His Excellency Benjamin William Mkapa

- “In concluding the visit Hon. Mkapa thanked the Hanna Nasif residents for their attendance / positive response. In doing so he said “We always do not know the value of our own development that we have achieved / realized with our own efforts till someone else / a foreigner come and tells us of what we have achieved”

What Madeleine Albright has observed / seen here will be shared with the commission, also as a Commissioner I will make sure that our report is enriched by these experiences.

- “As she said it, is vital that people should be empowered by making their property legally recognizable and it should be a tool to advance / empower ourselves”.

End of the Visit

PART FOUR

ANNEXES

Annex I: Conference Programme

TIME	DESCRIPTION OF EVENT	RESPONSIBLE PERSON (S)
	SESSION I – OPENING	Session Chairperson Hon. Iddi M. Simba
8.00 – 8.30	Arrival of Participants and Registration	Secretariat
8.30 – 8.35	Arrival of His Excellency Benjamin William Mkapa (Host) - Former President of the United Republic of Tanzania	Moderator and Secretariat
8.35 – 8.45	Arrival of invited Diplomats, CLEP Commissioners, Donor Representative and Ministers	Session Chairperson, Moderator and Secretariat
8.45 – 9.00	Arrival of the Chief Guest H. E. Jakaya Mrisho Kikwete - President of the United Republic of Tanzania	Session Chairperson, H. E. Benjamin William Mkapa - Former President of the United Republic of Tanzania and Secretariat Chairperson
9.00 – 9.15	Welcoming Remarks, Introduction and Conference Program	Session Chairperson
9.15 – 9.20	Outline of the objectives of the Conference by His Excellency Benjamin William Mkapa – Former President of the United Republic of Tanzania	Session Chairperson
9.20 – 9.30	Remarks from the Co-Chair of CLEP – Hon. Dr. Madeleine Albright	Session Chairperson
9.30 – 9.35	Welcoming the Chief Guest to officially open the Conference	H. E. Benjamin William Mkapa - Former President and Commissioner CLEP
9.35 – 10.20	Address by Chief Guest	H. E. Jakaya Mrisho Kikwete – President of the United Republic of Tanzania
10.20 -10.30	Vote of Thanks	Hon. Anne S. Makinda Deputy Speaker of

		Parliamentary and Chairperson of MKURABITA Steering Committee
10.30 – 10.40	Group Photograph	All
10.40 – 11.05	Tea / Coffee Break	
11.05 – 11.15	Departure of the Chief Guest	Session Chairperson, H. E. Benjamin William Mkapa - Former President of the United Republic of Tanzania and Secretariat
	SESSION II	Hon. Idd M. Simba
11.15 – 11.35	A brief on the Commission	Mr. Naresh Singh Executive Director
11.35 – 12.05	Presentation of Paper No. 1	Paper Presenter
12.05 – 12.35	Presentation of Paper No. 2	Paper Presenter
12.35 – 13.05	Presentation of Paper No. 3	Paper Presenter
13.05 – 13.35	Presentation of Paper No. 4	Paper Presenter
13.35 – 14.30	Lunch	All
14.30 – 14.50	Formation of Focused Discussions Groups	Moderator
14.50	Group work	Groups
17.30	End of Day 1 (One)	

DAY 2 (TWO)

TIME	DESCRIPTION OF EVENT	RESPONSIBLE PERSONS
	SESSION III	Chairperson Hon. Anne S. Makinda
8.30 – 10.30	Group Presentation and plenary discussions	Group I –III + participants
10.30 – 11.00	Tea Break	All
11.00 – 11.30	Group IV presentations and plenary discussions	Group IV + participants
11.30 – 12.00	Wrap up (way forward) + recommendations	Mr. Naresh Singh Executive Director
12.00 – 12.20	Closing Statement UNDP – Country Representative	Session Chairperson
12.20 -13.00	Lunch and Departure	

Annex II: Conference Participants

A. Guest of Honour

1. His Excellency President of the United Republic of Tanzania –
Jakaya Mrisho Kikwete

B. President Mkapa's Office

2. His Excellency Benjamin William Mkapa - Former President and
Commissioner Legal Empowerment of the Poor
3. Ms Eileen Swai
4. Mr. Yahaya Simba
5. Dr. Aziz P. Mlima

C. Commission for Legal Empowerment of the Poor Delegates

6. Dr. Madeleine K. Albright
7. Mr. Naresh Singh
8. Cate Ambrose
9. Janie Smith
10. Nina Brink

D. Multilateral and Bilateral Organization

11. United Nations Development Programme – UNDP Resident
Representative – Mr. Oscar F. Taranco
12. International Labour Organization – ILO Senior Program Officer – Mr.
Anthony Rutabanzibwa
13. DFID (UK) Deputy Head – Roy Trewdy
14. Ambassador of Norway – Ms. Jorunn Maehlum
15. UNIDO Representative – Patricia Scott
16. Kristin Sverdrup
Ministry Counselor
Embassy of Norway
17. Kari Edvardsdal Hansen
Program Officer
Norwegian Embassy

18. Dr. Axel Doerken
Country Director GTZ
19. Phillemon S. Mutashubirwa
Program Manager – UN Habitat Tanzania
20. Victor Mditshwa
Counselor Political,
South Africa High Commission
21. Rifflet Parc
Belgian Embassy

a. Academia and Research Institutions

22. Prof. Robert B. Mabele
Economic Research Bureau – ERB
23. Mr. Donald Mmari
Coordinator of Commissioned Research
Research and Poverty Alleviation – REPOA
24. Dr. Fanuel Sechambo
Institute of Research Assessment – IRA
25. Dr. Albinus Makalle
Ag. Director of Marketing and Public Relations
UCLAS
26. Prof. Luoga F. D. M. A
Faculty of Law
UDSM
27. Prof. Ephraim M. M. Senkondo
Sokoine University of Agriculture
28. Goodluck Charles
Lecturer – Faculty of Commerce
UDSM

F. Industry, Commerce and Development Organization

29. Neema Mhando
Membership Officer
CTC

G. Financial Sector

30. Mr. Isaack Hubert Kilato
BOT – Director of Economic Policy
31. Kessy-Sia Mbatia
Director of Financial Markets
BOT
32. Yahya A. Mchujo
Acting Director Microfinance
BOT
33. Lila Hamed Mkila
Director Banking Supervisor
BOT
34. Regina K. Sinamtwa
Principal Legal Counsel
BOT
35. Mr. William Creighton
Agriculture Financial Specialist
Financial Sector Deepening Trust
36. Mr. Rashid Malima
PRIDE Executive Director
37. Damas Dandi
Director – PRIDE
38. Christine M. K. Nsekela
Board Director – PRIDE

39. Shimimana Ntuyabaliwe
Operation and Business Development Manager – PRIDE
40. Halima Hashi
Social Development Specialist,
African Development Bank

b. Government Agencies

41. Mr. Andrew Mkapa
Deputy Registrar
BRELA
42. Mr. Valerian G. Tesha
Trade and Transport Statistics Manager
National Bureau of Statistics
43. Ndeny F. Ulomi
Assistant Commissioner
Ministry of Lands, Housing and Human Settlement
44. Allan Syruk Mlula
BEST Programme Specialist

I. The Government (United Republic of Tanzania and Revolutionary Government of Zanzibar)

45. Ms. Rose M. Lugembe
Permanent Secretary
State House
46. Elisante Isaac Kwayu
Executive Secretary,
Ministry of Planning, Economic and Empowerment
47. Mathias K. Misanga
Principal Economist,
Ministry of Planning, Economic and Empowerment
48. Peter A. Ilomo
Director,
Policy and Planning Departments
State House

49. Alphayo J. Kidata
Principal Economist,
Policy and Planning Department,
Ministry of Lands, Housing and Human Settlement Development
50. Deogratius K. Sakawa
Researcher,
State House
51. Yakout H. Yakout
Commissioner Sectoral Policy and Project Development,
Ministry of Finance and Economic Affairs,
Zanzibar
52. Ntobbi S. Vedastus
Senior Advisor,
State House
53. Dr. Switbert Zacharia Mkama
Senior Advisor,
State House
54. Kai B. Mbaruk
Director of Planning and Policy,
Ministry of State, Constitutional Affairs and Good Governance,
Zanzibar

J. Grassroot Groups / Organizations

55. Mrs. Naomi Makota
Women Advancement Trust – WAT Human Settlement Trust
56. Anna J. Mushi
Program Officer,
Tanzania Gender and Networking Programme (TGNP)
57. Dr. Edmund Sengondo Mvungi
Board Member,
Legal and Human Rights Centre – LHRC
58. Endeko S. C. Endeko
Hunter and Gatherer

59. Moses Kulaba
Executive Secretary,
Agenda Participation 2000
60. Bernard Kindoli,
Program Officer,
The Foundation for Civil Societies
61. Emmanuel Mvula
Program Officer,
Haki Ardhi
62. Thadei Edward
Research and Activist,
Human Development Trust,
63. Gaston Kikuwi
Chairperson – VIBINDO
64. Epaineto B. Toroka
Trustee TGT
- K. Other Organizations**
65. Svein Olsen
Country Director,
Norwegian Peoples Aid
66. Chambi Chachage
Consultant,
Norwegian Peoples Aid
67. Elin Enge
Norwegian Peoples Aid
68. Helle Berggrav Haren
Norwegian Peoples Aid
69. Mark Waite
Consultant
Norwegian Peoples Aid
70. Zuhura Salum Rashid
Zanzibar Improvement Development Associations

71. Brown Mather Ole Suya
Board Member – MWEDO Arusha
72. Anthony P. Lyimo
Director – FAWACM
73. David Lulinze
Secretary General – JARAPOD
74. Stephen Mwasubila
Program Officer – WILDAF
75. Michael Johnson
Program Officer
CCPT
76. Mfungwo Mark Kisamecha
Training Coordinator,
Association of Tanzania Employers
77. Godfrey Hicheka
Director,
Education Health and Income Generating Activities,
Magugu Rice Growers Associations
78. Mary Njau
Legal Officer,
WLAC
79. Mariam Maswanya Gunze
Member,
Association of Small Business Operations
80. Johnson Merere
Security, Retired Captain – JWTZ
81. Philotens Lisanga
Executive Director
82. Nestory K. Ngulla
Secretary General,
Trade Union Congress of Tanzania
83. Mutembwa C.D
Senior Trade Officer,
Ilala Municipal council,

84. Issa Isihaka
Secretary,
National Network of Young Positive (NNEYOP)
85. Mrisho Y. Msemu
Secretary General,
Health and Medical Foundation of Albinos
86. Feisal A. Riyami
Consultant,
Public Safety and Security
87. Camily I. Kessy
Chairman,
Chama cha Walemavu
88. Said Aboud
Ag. Director Gensus and Social Statistics
89. Rev. Abdiel R. Mola
Free Ambassador,
Women and Children Mission – Tanzania
90. Felician Casmir Lyimo
President,
Health and Medicare Foundation for Albinos
91. Boniface Joseph
Researcher – Dodoma
92. Jalibu M. Mwenemilao
Senior Researcher
93. Franco John
Researcher – DSM
- L. MKURABITA Representative**
94. Hon. Anne Makinda (MP)
The Chairperson,
MKURABITA Steering Committee
95. Eng. L. M. Salema
The Secretary,
Program Steering Committee

96. Dr. Aldo Lupala
Member Steering Committee

M. Secretariat

97. Stephen Rusibamayila
Program Officer,
MKURABITA
98. Seraphia Mgembe
Program Accountant,
MKURABITA
99. Harvey Kombe
Program Lawyer
MKURABITA
100. Gloria Mbilimonywa
Program Communication Officer,
MKURABITA
101. Joseph Kaiza
UNDP Representative

N. Special Invitees

102. Hon. Joseph Sindi Warioba
103. Hon. Iddi Simba

O. Moderator

104. Dr. Sylvia Temu

P. Thematic Papers Presenters

105. Dr. Fauz Twaib
Advocate,
M.A. Ismail and Company Advocates,
106. Dr. Donath Olomi
Director,
Entrepreneurship Centre – UDSM

- 107. Rose Teemba
Labour Commissioner,
Ministry of Labour, Employment and Youth
Development
- 108. Prof. J. M. L. Kironde
Professor – UCLAS
- 109. Dr. Cornel K. Mtaki
Senior Lecturer,
Faculty of Law – UDSM

Q. ILD Representatives

- 110. Gustavo Marini
Researcher - ILD
- 111. Jorge Reategui
Legal Researcher – ILD
- 112. Ginnette Beaumont
Researcher - ILD

R. Journalists

- 112. Neville Meena - ITV
- 113. Peter Nyanje - The Citizen
- 114. Phannel Mgonja - ITV
- 115. Khalfan Said - The Guardian
- 116. Bestina Maguru - RTD / TVT
- 117. Mashaka Mgeta - Nipashe
- 118. Angel Mavuri - The Guardian
- 119. Anthony Madata - Business Times
- 120. Daudi Aidan - Business Times
- 121. Hussein Rufunga - Quality photoshop

122. Boniface Makene - Mwananchi
123. Steven Kelvin - WAPO Radio
124. Mbota Amani - This Day & Kulikoni
125. Daniel Joseph - Freelance
126. Henry Makange - Channel Ten
127. Said Mihiko - Channel Ten
128. Emmanuel Kwitema - Reuters
129. Leonard Magomba - The East African
130. Felician Lyimo - Hemfa
131. Venant Kagombora - Freelance
132. Alex Marwa
133. Yusuph Omari
134. Joseph Mwamunyange
135. Geodfrey Nyanyangu
136. Joseph Lugendo
137. Mwita Makang'a
138. Anthony Hilolimus
139. Deus Mjate
140. Nixon Ogot
141. Flora Matara - WAPO Media
142. Fatuma Mlekwa - RTD
143. Levina Steven - Praise Power Radio
144. Victor Mkumbo - Dar Leo

145.	Issa Omari	-	Tazama
146.	Emmanuel Patrick	-	PRT
147.	Ahmad Sandi	-	
148.	Anasima Nathan	-	WAPO Media
149.	Laurent Susuma	-	Heko
150.	Magreth Kindu	-	Tanzania Daima
151.	Kilasa Mtambalike	-	Daily News
152.	Tragot Nkwama	-	The African
153.	Amina Said	-	Business Week
154.	Nistus Alloyce	-	Tumain Letu
155.	John Daniel	-	The Daily Mail
156.	Nico Giliad	-	The Guardian
157.	Wence Lugiko	-	Freelance
158.	Innocent Malya	-	Good News for all
159.	Gerald Soka	-	Business Times
160.	Frank Godfrey	-	Radio Tumaini
161.	Godfrey Makela	-	Changamoto
162.	Jafari Mwepi	-	Mtandawazi
163.	Moses Abraham	-	Mzalendo

Annex III Evaluation Results

Summary of the Evaluation Exercise

This is a summary of the evaluation of the Conference for Legal Empowerment of the Poor held at Kempinski Kilimanjaro Hotel in dars Salaam on 29th and 30th November, 2006. Total number of participants was 100 who expressed their opinions as follows;

1. 43% of the participants rated the conference as excellent, 47% said it was very good and 10% said it was good
2. On dissemination of information 17% of the participants said it was excellent, 44% said it was very good, 22% said it was good and 17% said it was satisfactory.
3. On conference materials 39% of the participants said it was excellent, 46% said it was very good, 15% said it was good and 5% of participants said it was satisfactory.
4. Opening session 77% of the participants said it was excellent, and 23% of the participants said it was very good.
5. Paper presentation.
 - Access to Justice - 36% said it was excellent
- 56% said it was very good
- 8% said it was good
 - Property Rights - 36% said it was excellent
- 56% said it was very good
- 8% said it was good
 - Labour Rights - 32% said it was excellent
- 39% said it was very good
- 26% said it was good
- 3% said it was satisfactory
 - Entrepreneurship - 53% said it was excellent
- 38% said it was very good
- 5% said it was good
- 5% said it was satisfactory
6. On focus group discussions
 - 25% said it was excellent
 - 60% said it was very good

- 15% said it was good

7. Group presentation and plenary discussion

- 35% said it was excellent
- 55% said it was very good
- 8% said it was good and
- 3% said it was satisfactory

8. Conference wrap up

- 61% said it was excellent
- 32% said it was very good
- 8% said it was good

9. Conference Hall

- 60% said it was excellent
- 33% said it was very good
- 8% said it was good

10. Conference time table

- 35% said it was excellent
- 50% said it was very good
- 13% said it was good
- 3% said it was satisfactory

11. Topic most enjoyed

- Access to Justice 15%
- Property Rights 38%
- Labour Rights 9%
- Entrepreneurship 38%

12. Suggestions from participants

- 21% said there is a need to create awareness and publicity on the Legal Empowerment of the Poor
- 29% said there is a need to have more representations of the target groups in conferences like this
- 29% suggested more frequent workshops
- 7% said there is a need to publish conference recommendations and distribute those recommendations widely.